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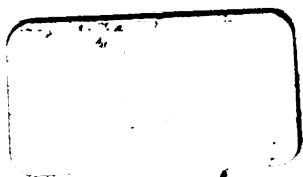
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Canada. Provincial Secretary's Office.

**BOUNDARY LINE BETWEEN
CANADA & NEW BRUNSWICK**

125/95

R E T U R N

To an Address from the Legislative Assembly of the 28th March last,
for Copy of Correspondence relative to the Boundary Line between this
Province and the Province of New Brunswick, and of all the other
Documents asked for by the Address.

By Command.

E. PARENT,

Assistant Secretary.

SECRETARY'S OFFICE,

Toronto, 7th June, 1856.

2967A

SCHEDULE

Of DOCUMENTS composing this RETURN.

No. 1.—Letter from the Honorable the Commissioner of Crown Lands to the Honorable the Provincial Secretary, dated Toronto, 17th May, 1856, transmitting from his Department the Papers required by the Address of the House.

A. Plan exhibiting the line of boundary between the Provinces of Canada and New Brunswick, as defined by the Commissioners under the Imperial Act.

B. Plan of part of the River Ristigouche, by Travers Twiss, Esquire, Arbitrator for New Brunswick.

No. 2.—Letter from Joseph Bouchette, Esquire, one of Her Majesty's Commissioners for defining and marking the line of boundary between Canada and New Brunswick, dated Toronto, 24th January, 1856; and a copy of his Report to the Right Honorable the Secretary of State for the Colonies, dated Toronto, 10th January, 1856.

No. 3.—Documents accompanying this Report:—

A. Tabular Statements relative to the Monuments erected on the line of boundary, under Imperial Act 14 and 15 Vic., cap 63.

B. Questions proposed to T. W. Blaiklock, Esquire, Surveyor to the Commission.

C. Letter from Joseph Bouchette, Esquire, to the Honorable A. E. Botsford, dated Patapedia, 4th July, 1854.

D. Letter from William Robinson, Esquire, to Joseph Bouchette, Esquire, dated Camp, Sunday, 16th July, 1854.

E. Letter from William Robinson, Esquire, to Joseph Bouchette, Esquire, dated Camp, Patapedia River, 23rd July, 1854.

F. Letter from William Robinson, Esquire, to Joseph Bouchette, Esquire, dated Camp, Patapedia River, 2nd August, 1854.

G. Letter from William Robinson, Esquire, to Joseph Bouchette, Esquire, dated Camp, Mount Elgin, 13th October, 1854.

No. 4 (A).—Copy of a Despatch of the Right Honorable the Secretary of State for the Colonies to the Governor General, dated 24th January, 1856, acknowledging the receipt of the Report by two of the Commissioners.

No. 4 (B).—Letter from Joseph Bouchette, Esquire, to the Honorable the Provincial Secretary, dated 22nd December, 1855, enclosing Correspondence between himself and the other Commissioners, viz.:—

A. Letter from Joseph Bouchette, Esquire, to Lieutenant Colonel Robinson, R.E., dated 6th December, 1855.

B. Letter from Messrs. Robinson and Botsford to Joseph Bouchette, Esquire, dated 8th December, 1855.

C. Letter from Joseph Bouchette, Esquire, to Lieutenant Colonel Robinson, dated 8th December, 1855.

No. 4 (B).—(*Continued.*)

- D. Letter from Lieutenant Colonel Robinson to Joseph Bouchette, Esquire, dated 10th December, 1855.
- E. Letter from Joseph Bouchette, Esquire, to Lieutenant Colonel Robinson, dated 13th December, 1855.
- F. Memorandum of Joseph Bouchette, Esquire, of same date.
- G. Letter from Lieutenant Colonel Robinson to Joseph Bouchette, Esquire, dated 15th December, 1855.
- H. Letter from Joseph Bouchette, Esquire, to Lieutenant Colonel Robinson, dated Cheyne's Settlement, Ristigouche, 31st July, 1854.
- I. Memorandum of Joseph Bouchette, Esquire, dated Tangent Line, 10th August, 1855.
- K. Letter from Joseph Bouchette, Esquire, to Lieutenant Colonel Robinson, dated 17th December, 1855.
- L. Letter from Lieutenant Colonel Robinson to Joseph Bouchette, Esquire, dated 18th December, 1855.
- M. Letter from the Honorable A. E. Botsford to Joseph Bouchette, Esquire, of same date.

No. 5.—Letter from the Honorable A. E. Botsford to Joseph Bouchette, Esquire, dated 21st December, 1855.

No. 6.—Letter from Joseph Bouchette, Esquire, to the Honorable A. E. Botsford, of same date.

No. 7.—Letter from Joseph Bouchette, Esquire, to the Honorable A. E. Botsford, dated 22nd December, 1855.

No. 8.—Letter from Joseph Bouchette, Esquire, to the Honorable the Provincial Secretary, dated 19th December, 1855, transmitting Correspondence, viz:—

- A. Letter from Joseph Bouchette, Esquire, to Lieutenant Colonel Robinson, dated 6th December, 1855, with exceptions on the part of Mr. Bouchette to the Report of the Commissioners, of same date.
- B. Letter from Colonel Robinson and the Honorable A. E. Botsford to Joseph Bouchette, Esquire, of same date.
- C. Memorandum for Lieutenant Colonel Robinson and Mr. Botsford, of Joseph Bouchette, Esquire, dated 7th December, 1855.
- D. Memorandum of 8th December, 1855; "Ultimatum" (not signed).
- E. Letter from Lieutenant Colonel Robinson to Joseph Bouchette, Esquire, dated 11th December, 1855.
- F. Memoranda of Joseph Bouchette, Esquire, to Lieutenant Colonel Robinson, dated 13th December, 1855.
- G. Letter from Joseph Bouchette to Lieutenant Colonel Robinson, of same date.
- H. Letter from Lieutenant Colonel Robinson to Joseph Bouchette, Esquire, dated 15th December, 1855.
- I. Letter from Joseph Bouchette, Esquire, to Lieutenant Colonel Robinson, dated 17th December, 1855.
- K. Letter from Lieutenant Colonel Robinson to Joseph Bouchette, Esquire, dated 18th December, 1855.
- L. Report upon the Survey of the River Mistouche, by F. N. Blaiklock, Esquire, dated 15th May, 1854.

No. 8.—(*Continued.*)

M. Letter from Joseph Bouchette, Esquire, to the Honorable the Provincial Secretary, dated 19th December, 1855.

No. 9.—Copy of Report of Lieutenant Colonel Robinson and the Honorable A. E. Botsford, Commissioners, to the Right Honorable the Secretary of State for the Colonies, with the following Appendices:—

Appendix A. List of instruments supplied.

Appendix B. List of books supplied.

Appendix C. No. 1. Letter from Joseph Bouchette, Esquire, to Honorable A. E. Botsford, dated 4th July, 1854.

Appendix C. No. 2. Letter from the Honorable A. E. Botsford to Joseph Bouchette, Esquire.

Appendix C. No. 3. Letter from Joseph Bouchette, Esquire, to Major Robinson, dated 7th September, 1854, with one from him to the Honorable Mr. Attorney General Drummond, of 30th August, 1854.

Appendix C. No. 4. Letter from Major Robinson to Joseph Bouchette, Esquire, dated 12th October, 1854.

Appendix C. No. 5. Letter from the Honorable A. E. Botsford to Joseph Bouchette, Esquire, dated S. W. Seigniory of Madawaska, 8th November, 1854.

Appendix D. List of Sectional Plans, with letters from the Honorable Joseph Bouchette, Esquire, to the Honorable the Provincial Secretary, dated 22nd December, 1855; also, letter from Lieutenant Colonel Robinson to the Honorable the Provincial Secretary, dated 18th December, 1855.

No. 10.—Report of the Honorable Joseph Cauchon, Commissioner of Crown Lands, upon the question in dispute between the Commissioners appointed by the Imperial Government to mark out the Boundary Line between Canada and New Brunswick, dated 5th September, 1855, with maps and documents accompanying, viz:—

A. Trace of part of the River Ristigouche, surveyed by authority of the Government of New Brunswick.

B. Part of a map of the Province of New Brunswick, compiled from recent surveys, by John Simcoe Saunders, Surveyor General.

C. River Mistouche or Mistoue, called by Lumbermen "Tracy's Brook," from its mouth on the Ristigouche River to its source in the highlands south of Pollard's Brook, on the west branch of the River Patapedia. Explored in the months of July and August, 1854, by Joseph Bouchette, Esquire, Her Majesty's Commissioner.

D. Plans of the Parishes of Addington and Eldon, County of Gloucester.

E. Map of a portion of Her Majesty's Dominions in North America, to accompany and illustrate the Report of Her Majesty's Commissioners for the settlement of the Boundary Line in dispute between the Provinces of Canada and New Brunswick.

F. Plan of the River Ristigouche from the Mistouche to Cross Point, surveyed under instructions from the Commissioners for determining the Boundary between Canada and New Brunswick, by F. T. Blaiklock, Esquire, Deputy Provincial Surveyor.

G. Map to illustrate a scheme for settling the Boundaries of Canada and New Brunswick, referred to by Stephen Livingston, and Travers Twiss, Esquires, in their Report to Earl Grey, 17th April, 1850.

No. 11.—Report of Joseph Bouchette, Esquire, Commissioner for Canada, appointed under the Imperial Act 14 & 15 Vic. cap. 63, in reference to the Boundary Line between Canada and New Brunswick, with accompanying Plans and Documents, viz :—

- A. Copy of Imperial Act 14 & 15 Vic. cap. 63.
- B. Letter from Joseph Bouchette, Esquire, to Honorable A. E. Botsford, dated 4th July, 1854.
- C. Letter from Joseph Bouchette, Esquire, to Major Robinson, dated 5th July, 1854.
- D. Letter from the Honorable A. E. Botsford, to Joseph Bouchette, Esq., dated 6th July, 1854.
- E. Letter from Major Robinson, to Joseph Bouchette, Esquire, dated 16th July, 1854.
- F. Letter from Major Robinson, to Joseph Bouchette, Esquire, dated, 23rd July, 1854.
- G. Plan (Extract from Lieutenant Hunter's Field Book).
- H. Trace of River Ristigouche, from original Surveys in the Crown Land Office.
- I. Map of State of Maine and Province of New Brunswick, by Moses Greenleaf.
- K. Plan drawn by the Chief of the Micmacs, in the presence of the other Chiefs.
- L. Replies of Indian Chiefs of Ristigouche, in Council, held at Mission Point, in reference to the Mistouche River.
- M. Memorandum of Major Robinson respecting preparation of Maps.
- N. Letter from Joseph Bouchette, Esquire, to the Honorable L. T. Drummond, Attorney General, dated 29th August, 1854.
- O. Opinion of the Honorable the Attorney General East.
- P. Letter from the Honorable A. E. Botsford, to Joseph Bouchette, dated 8th November, 1854.
- Q. Extract of a letter from Joseph Bouchette, Esquire, to Major Robinson, dated 10th August, 1854.
- R. Appointment of Commissioners by Secretary of State, 2nd August, 1852.
- S. Extract of Report from Crown Timber Agent at Bay of Chaleurs.
- T. Letter from F. Blaiklock, Esquire, D.P.S., dated 15th May, 1854.
- U. Letter from Major Robinson, dated 12th October, 1854.
- V. Extract of a Letter from Joseph Bouchette, Esquire, to the Honorable A. E. Botsford, dated 9th July, 1854.
- W. Extract of a Letter from Mr. Dawson, dated at New Carlisle, 10th March, 1854.
- X. Letter from Crown Timber Agent to the Honorable Commissioner of Crown Lands, dated Carleton, 23rd May, 1855.
- Y. Letter from Assistant Commissioner of Crown Lands on the Report of the Commissioner respecting the boundary line between Canada and New Brunswick, dated 21st October, 1848.

No. 12.—Letter from Joseph Bouchette, Esquire, to the Honorable the Provincial Secretary, dated 30th November, 1854, transmitting Report of the progress of the Commissioners.

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- No. 13.—Despatch from Sir Edmund Head to the Earl of Elgin, dated 4th May, 1854, with Memorandum of Council.
- No. 14.—Despatch from the Right Honorable Sir John Pakington to the Right Honorable the Earl of Elgin, dated 12th March, 1852, transmitting copy of a Despatch from Sir Edmund Head.
- No. 15.—Despatch from the Earl of Elgin to Sir John Pakington, dated 4th June, 1852, enclosing a minute of the Honorable the Executive Council of Canada.
- No. 16.—Despatch from Sir John Pakington to the Earl of Elgin, dated 21st July, 1852.
- No. 17.—Despatch from the Earl of Elgin to Sir John Pakington, dated 20th October, 1852, enclosing copy of Despatch from the Earl of Elgin to Sir Edmund Head, and a reply thereto.
- No. 18.—Despatch from Sir John Pakington to the Earl of Elgin, dated 26th December, 1852, enclosing appointment of Commissioners.
- No. 19.—Despatch from the Administrator of the Government of New Brunswick to the Governor General, dated 15th July, 1852, with Minute of Executive Council, &c.
- No. 20.—Despatch from the Earl of Elgin to Sir Edmund Head, dated 30th April, 1852, enclosing a Statement of Licenses granted, Moneys received, &c.
- No. 21.—Despatch from Sir Edmund Head to the Earl of Elgin, dated 22nd March, 1852.
- No. 22.—Despatch from the Earl of Elgin to Sir Edmund Head, dated 28th February, 1852, enclosing a Letter from the Provincial Secretary of Canada.
- No. 23.—Despatch from the Earl of Elgin to Sir Edmund Head, dated 13th October, 1851.
- No. 24.—Despatch from Sir Edmund Head to the Earl of Elgin, dated 26th August, 1851.
- No. 25.—Despatch from the Earl of Elgin to Sir Edmund Head, dated 13th August, 1851, enclosing Copy of a Minute of Council.
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No. 1.

Letter from the Honorable the Commissioner of Crown Lands to the Honorable the Provincial Secretary, transmitting from his Department the Papers required by the Address of the House.

CROWN LANDS DEPARTMENT, Toronto, 17th May, 1856.

Sir,—In obedience to the commands of His Excellency the Governor General, conveyed in your letter, dated 31st ultimo, requesting me to prepare a Plan of that part of the Province lying between Lake Pohenegamook and the River St. Francis, where it discharges into the River St. Johns, to the West as far as Cross Point and Campbellton, on the Bay of Chaleurs, shewing in a correct manner where the Boundary Line between this Province and that of New Brunswick is now traced, or if it is not now traced where it will hereafter be traced throughout its entire length: called for under an Address of the Legislative Assembly of the 28th ultimo.

I have the honor to transmit you, herewith enclosed, the Plan which has been accordingly prepared in this Department, shewing the Line of Boundary between Canada and New Brunswick, where the same has been traced in the field, conjointly by the Commissioners appointed by the Right Honorable the Secretary of State for the Colonies, under the authority of the Imperial Act 14 & 15 Vic. cap. 63, from Point A, at Beau Lake, near the outlet of the River St. Francis, and representing, agreeably to the references on the Plan, that part of the Boundary Line respecting which the Commissioners have disagreed, viz:—Lieutenant Colonel Robinson and Mr. Botsford, two of the Commissioners, in having traced the Line under the 48th parallel to the River Patapedia, which they designate as the "River Mistouche, of the award of the Arbitrators," while Mr. Bouchette, the Commissioner in the minority, sustained that the River Mistouche (commonly called by Lumbermen Tracy's Brook), ascertained and explored by him to its source, defines that River to be the Eastern limit of New Brunswick, on the Ristigouche, according to the letter and intent of the Act of Parliament and the delineation of that limit on the Map of the Arbitrators, the Act refers to.

Abstaining however from entering here into any discussion on the subject of difference between the Commissioners, having already in a lengthy report, dated September last, communicated for the information of His Excellency in Council, my opinion in a descriptive point of view of the respective merits of the grounds of argument taken for adopting the Patapedia on the one hand and sustaining the River Mistouche on the other, as part of the Boundary between Canada and New Brunswick, and suggesting the course which in my humble opinion should be adopted with Her Majesty's Imperial Government to obtain the amendment in the Act of Parliament 14 & 15 Vic. cap. 63, pointed out in the Report.

I would now take the present occasion under the latitude offered to me in the Address, and the circumstance of the close of the operations by the Commissioners to submit the following observations and suggestions for the consideration of His Excellency in Council:—

1st. That it having been satisfactorily ascertained that a River called the River Mistouche, discharging itself into the River Ristigouche, at a point corresponding exactly in geographical position and delineation with the Stream laid down on the Map of the Arbitrators, but that the waters of the said River Mistouche do not reach the 48th parallel of latitude, an amendment in the Act of Parliament would appear to be indispensable to connect by a line due North the source of the Mistouche at the 48th parallel of latitude.

2nd. That the circumstance of a majority, or even of all the Commissioners appointed to run the boundary between Canada and New Brunswick, adopting

the River Patapedia as part of the line of boundary, instead of the River Mistouche expressly mentioned in the Imperial Act, whilst the actuality and position of this river is well-known, and is in fact a separate tributary of the Ristigouche; and unless an amendment were introduced in the said Act to substitute the Patapedia for the Mistouche, difficulties would arise in regard to the jurisdiction between the said Provinces.

3rd. Considering the evident right of Canada to extend its Western limits to the River Mistouche, whilst an amendment to connect the source of that River by a line with the 48th parallel of latitude would necessarily involve a Survey in the Field. I would suggest, inasmuch as it appears that iron monuments have been already erected at the River Patapedia, that the Imperial Act be amended to constitute that River as part of the Boundary between Canada and New Brunswick; and that, in consideration of the territory which would be thereby yielded to New Brunswick, lying between the Mistouche and Patapedia Rivers, containing about 50,000 acres, that a further amendment be introduced in the Act in regard to the Islands in the Ristigouche, which, by the award of the Arbitrators, are all given to New Brunswick, while the mode of defining the Line of Boundary, under its present delineation, down the centre of the stream of the Ristigouche (and forming, it appears, another object of difference among the Commissioners), cannot fail to give room for disputes and litigation among the inhabitants and settlers along that portion of the Boundary of both Provinces, apart from the legal right of Canada to those Islands, as forming part of the Public Domain of the Crown, under the instructions of Governor Hope, in 1784.

I would therefore suggest, that the Islands in the Rivers Patapedia and Ristigouche be assigned to each of the Provinces in the manner laid down in the proposition* of Travers Twiss, Esquire, the Arbitrator for New Brunswick, namely:—

“That the Islands in the said Rivers to belong to one or other of the said Provinces according as they are on the one or the other side respectively of the mid-channel nearest to each Province, and the navigation of the Rivers Mistouche and Ristigouche to be common to both Provinces.”

“(Signed,) TRAVERS TWISS.”

The amendment proposed in the Act of Parliament 14 and 15 Vic., cap. 63, would therefore be as follows:—

That all after the words “Thence along this meridional line to the 48th parallel of latitude” be left out, and the following words inserted:—

“Thence along that parallel to the main stream of the River Patapedia, thence down the middle of the main channel of the River Patapedia to the River Ristigouche, thence down the middle of the main channel of the River Ristigouche to the Bay of Chaleurs.

“The Islands in the said Rivers Patapedia and Ristigouche to belong to one or other of the said Provinces, according as they are on the one or the other side respectively of the said main channel nearest to each Province, and the navigation of the Rivers Patapedia and Ristigouche to be common to both Provinces.”

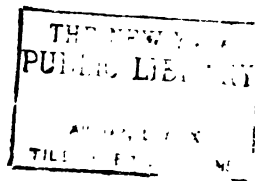
All which is nevertheless most humbly submitted.

I have the honor to be, Sir,
Your obedient Servant,

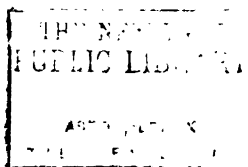
JOSEPH CAUCHON,
Commissioner.

The Honorable G. E. CARTIER, M.P.P.,
Provincial Secretary.

* Printed Papers and Documents relative to the Disputed Boundary between Canada and New Brunswick, laid before the Imperial Parliament in 1851.



men employed in the preparation of the sectional plans from surveys of
Islands of the River Ristigouche (obtained from the Surveyor General of
Brunswick) were directed by the Commissioners to lay off with the bisecting



Provincial Secretary.

* Printed Papers and Documents relative to the Disputed Boundary between Canada and New Brunswick, laid before the Imperial Parliament in 1851.

No. 2.

Letter from Joseph Bouchette, Esquire, one of Her Majesty's Commissioners for defining and marking the Line of Boundary between Canada and New Brunswick, and a copy of his Report to the Right Honorable the Secretary of State for the Colonies.

TORONTO, 24th January, 1856.

Sir,—I have the honor to transmit you herewith enclosed, for the information of His Excellency the Governor General, a Report prepared in duplicate to the Right Honorable Henry Labouchere, Her Majesty's Secretary of State for the Colonies, of the operations performed under the joint commission from Sir J. S. Pakington, one of Her Majesty's Principal Secretaries of State, bearing date 2nd August, 1852, and therein reporting to Her Majesty's Secretary of State for the Colonies, the circumstance of the difference of opinion which has arisen between my colleagues and myself on the subject of that part of the boundary of New Brunswick described in the award of the Arbitrators as the River Mistouche, submitting at the same time, as briefly as the importance of the subject would allow, the reasons which have compelled me to decline concurring in the report of my colleagues to Her Majesty's Government. I respectfully beg leave to avail myself of the present occasion to advert to the second subject of difference alluded to in my communication of the 19th ultimo, relative to the delineation of the line of Boundary down to the waters of the Ristigouche with relation to the Islands in those Rivers, which my refusal to sign their Report gave rise to after the Sectional Plans to accompany our Report (if I had concurred in it) had been prepared for signature.

Agreeably to the description of the line of Boundary between Canada and New Brunswick down the Rivers Mistouche and Ristigouche contained in the Act of Parliament, the Boundary of New Brunswick from the point where the 48th degree of latitude intersects the River Mistouche is defined as follows:—

“Thence down the centre of the stream of that River to the Ristigouche, thence down the centre of the stream of the Ristigouche to its mouth in the Bay of Chaleur, thence through the middle of the Bay to the Gulf of the St. Lawrence; the Islands in the said Rivers Mistouche and Ristigouche to the mouth of the latter River at Dalhousie being given to New Brunswick.”

The mode of delineating that part of the line of Boundary on the Sectional Plans to accompany the Report of the Commissioners to Her Majesty's Government, it was agreed upon among the Commissioners under the memorandum which I submitted to them on the subject of the Jurisdiction of the Islands, dated in August last, namely, that the line of Boundary should be laid off through points equi-distant from the opposite shores of the Rivers Mistouche and Ristigouche respectively, that where such line would be intercepted by an Island the line would not be drawn through the Island but depart again below it at the centre points between the banks of the River.

Lieutenant Colonel Robinson's sketch, eliciting his view of his mode of laying down that line, corresponded with my opinions; and accordingly, the draughtsmen employed in the preparation of the sectional Plans from Surveys of the Islands of the River Ristigouche (obtained from the Surveyor General of New Brunswick) were directed by the Commissioners to lay off with the bisecting or

proportional compasses the centre points between the North and South Shores of the Ristigouche, and through those points drew the Boundary Line, shaded red on the sectional Plans, as prepared for signature.

This mode of defining the Line of Boundary appeared the more consonant with the intentions of the Arbitrators, as it assigned to each of the Provinces interested the jurisdiction over one-half the waters of the streams which form their common boundary. The circumstance of the alteration made on the sectional Plans as they now accompany the Report of my colleagues, having been already communicated to you for the information of His Excellency the Governor General, I would abstain from any further allusion to it; but I will endeavour, in the following observations which I respectfully beg to submit for the consideration of His Excellency, to shew that the mode agreed upon, amongst the Commissioners, of delineating that portion of the Line of Boundary, under the Act of Parliament is not only strictly, but geometrically consistent with the letter of the award, while it is the most just and equitable towards the Provinces concerned; also, to point out that the mode of delineating the Line of Boundary adopted by Lieutenant Colonel Robinson and Honorable A. E. Botsford, as altered, is neither in accordance with the letter or the spirit and meaning of the award of the Arbitrators, nor with the Map referred to in the Act of Parliament.

It may be here proper, first, to consider the meaning of the word "centre" used in the award with reference to the River portion of the Boundary, contradistinguished from the word "middle" used in prolonging the line through the Bay of Chaleurs. Agreeable to my interpretation of the word "centre" which, in my humble opinion, is a more definite term than the word "middle," it is a point from which the radii of a circle diverge to the circumference, and as applied to the present question, that circumference is represented by the opposite banks or shores of the streams respectively of the Ristigouche or Mistouche, forming points on the opposite arcs of the circumference, which radii are longer or shorter as the Rivers become wider or narrower.

The word "middle" comports a general centrality of position and is well adapted to the delineation of a general middle line through so broad a basin as the Bay of Chaleur, which part of the line of Boundary it was not contemplated would require an actual survey. Under the mode of delineating the line of Boundary pursued by my colleagues, it appears that, according to the late explanations given by them, the word "centre" of the stream applies to the centre of the channel which run between the Islands and the Canada shore, and that the line should be run down those Rivers so as to give all the Islands in those Rivers to New Brunswick, as belonging to that Province under the award, which interpretation necessarily carries the line in some cases within a few yards of the Canada shore, and would include within the jurisdiction of New Brunswick the entire control of the waters in those Rivers, especially in the Ristigouche, containing a group of valuable Islands, and which are almost all situated North of the central line delineated under the mode first agreed upon amongst the Commissioners.

The above mentioned interpretations of the letter of award by my colleagues is unsupported by the delineation of the line of boundary on the maps of the Arbitrators, while the two-fold discrepance between the map and the above interpretation presents an additional reason for amending the Act of Parliament, not only in reference to the River Mistouche, but also in regard to the line of boundary down the stream of that River and of the Ristigouche.

The circumstances of the arbitration assigning all the Islands to New Brunswick, whilst it cannot fail to create a sensation, that Canada, under the provisions of that part of the Act, is not only dispossessed of the Islands in the Ristigouche, but would, according to the line of boundary designed by the Commis-

sioners, be deprived of any appreciable jurisdiction over the waters of that River.

On reference to the opinion of Dr. Travers Twiss, one of the majority of the Arbitrators who signed the award recorded among the printed papers relating to the settlement of the disputed boundary between Canada and New Brunswick, laid before Parliament in 1851, the line he proposed therein as the boundary between Canada and New Brunswick, assigned the Islands in the Rivers Mistouche and Ristigouche to one or the other of the said Provinces, according as they were situated nearest to each Province, as submitted in the following extract from his proposition, viz. :—

“ Thence by a line drawn due East to the head streams of the River Mistouche, “ thence along the mid-channel of the River Mistouche to the River Ristigouche, “ and thence along the mid-channel of the Ristigouche to its mouth in the Bay “ of Chaleur. The Islands in the said Rivers to belong to one or other of the “ said Provinces, according as they are on the one or the other side respectively “ of the said mid-channel nearest to each Province, and the navigation of those “ Rivers—Mistouche and Ristigouche—to be common to both Provinces.”

I scarcely need offer a remark as to the justice and feasibility of the Line of Boundary thus proposed down the Rivers Mistouche and Ristigouche, and must only express a regret that this portion of the Boundary proposed by Dr. Twiss, which comports in this respect with the opinion of Thomas Falconer, Esquire, the Arbitrator in the minority, should not have been retained in the award which was confirmed and became law under the Imperial Act.

The description in the award appears to have been predicated by the Right Honorable S. Lushington upon the Report of Major Robinson, Captain Henderson, and J. Johnston, Esquires, Commissioners appointed by Her Majesty for the settlement of the Line of Boundary between Canada and New Brunswick, who, as the result of their investigation, recommended the following Line of Boundary down the Ristigouche, viz. :—

“ Thence by a line due East to that branch of the Ristigouche River called the “ Redgwick or Grand Fourche, thence along the centre of its stream to the Ristigouche River, thence down the centre of the stream of the Ristigouche River “ to its mouth in the Bay of Chaleur, and thence through the middle of that Bay “ to the Gulf of St. Lawrence, giving to New Brunswick the Islands in the “ said Rivers Redgwick and Ristigouche.”

In comparing the foregoing description with the description in the award relative to the Islands and substituting the River Mistouche for Redgwick, the description in the former appears clearly to have been derived from the latter, while the reason assigned by Lieutenant Colonel Robinson, one of the Royal Commissioners, for “ giving ” the Islands in the Ristigouche to New Brunswick was not that the latter had any particular right to those Islands, but that the expense of surveying them in the demarcation of the Boundary would be thereby saved. The inconvenience which such a Boundary is likely to occasion from the absence of any provisions regarding the navigation of those Rivers, especially of the Ristigouche, the disputes and litigations which the exclusive right over the Ristigouche waters, which the inhabitants of New Brunswick will be open to exercise especially towards lumber men in driving the rafts and timber to the shipping places at tide water, and also as respects existing laws regulating the salmon and other fisheries, the chief sources of maintenance and trade common to the inhabitants of this part of both Provinces, are subjects which I merely mention as worthy of being brought under the notice of the Canadian Government. I have probably dwelt at some length upon the subject of this portion of the Boundary between Canada and New Brunswick, but I have done it as it appeared to me of importance that in the event of any amendment in the Act of Parliament being

proposed to render it operative, the Executive Government of this Province should be made fully acquainted with the scope and nature of the differences that has prevailed in the views of the Commissioners relative to the delineation of the Line of Boundary down the waters of the Mistouche and Ristigouche Rivers, from which the Government might be the better able to judge of which view of the subject appeared most consistent with the intent of the award of the Arbitrators and with public policy.

All which is most respectfully submitted.

I have the honor to be, Sir,

Your most obedient humble Servant,

(Signed,) JOS. BOUCHETTE,
H. M. Commissioner.

Honorable G. E. CARTIER,
&c., &c., &c.

To the Right Honorable HENRY LABOUCHERE, Her Majesty's Principal Secretary
of State for the Colonies, &c., &c., &c.

Special Report of Joseph Bouchette, one of the Commissioners jointly appointed under the authority of the Imperial Act 14 and 15 Vic., cap. 63, with Major, now Lieutenant Colonel Robinson, and the Honorable A. E. Botsford, by commission bearing date 2nd August, 1852, to ascertain, define, and mark out Line of Boundary between Canada and New Brunswick.

The undersigned has the honor to report, that the Commissioners have, during the summer seasons of 1853, 1854, and 1855, co-operated in defining and marking the line of boundary between Canada and New Brunswick from a point near the outlet of Lake Pechlawekaconies or Lake Beau, marked A on the copy of Plan XVII of the survey of the boundary under the Treaty of Washington. Thence along a straight line, admeasuring twelve miles and twenty-three chains, connecting that point with another point determined and admeasured at the distance of one mile due South from the settlement point of Long Lake: thence along a straight line, drawn and admeasured, of twelve miles four chains fifty links to the southernmost point of the Fief Madawaska and Lake Temiscouata: thence along the south-eastern boundary of the said Fief four French leagues, exclusive of the breadth of the River Madawaska, to the South-east angle of the said Fief: thence along a meridional line northward twenty-four miles seventy-nine chains sixty-seven links, by measurement to a line, to a line running East and West, and tangent to the height of land dividing the waters flowing into the River Rimouski from those tributaries to the River St. John, admeasuring twelve miles two chains and four links (this tangent line, which owing to the physical character of the country it traverses, unavoidably intersects the head-waters or sources of those Rivers), to another meridional line, tangent to the height of land dividing the waters flowing into the River Rimouski from those flowing into the River Ristigouche, intersecting for that purpose, above stated, the head-waters of these Rivers, and admeasuring five miles fifty-eight chains and fifty links, to the

48th parallel of North latitude; thence along the said parallel of latitude eastwardly towards the River Mistouche.

Of the lines of boundary above described the line from point A to the South end of one mile line from Long Lake, the line along the South-eastern boundary of the Fief Madawaska, and the meridional line due North from the South-east angle of the said Fief, have been cut through the forest and opened of an average width of twenty feet, and the line from the South end of one mile line to the South angle of the Fief Madawaska, the tangent lines, and the line along the 48th parallel of latitude, were restricted to a width of ten feet except at the notches on the summits of the mountain Ridges, observed from the transit stations, where the lines opened from twenty to thirty feet wide, as circumstances of distance and elevation required.

Cast-iron monuments of a construction nearly similar to those erected on the Line of Boundary under the Treaty of Washington, inscribed with the names of the Commissioners, and of the Provinces of Canada and New Brunswick, and citing the Act of Parliament, have been erected at the principal angles or points of intersection of the lines described in the award of the Arbitrators; whilst iron monuments of inferior dimensions, bearing similar inscriptions, were placed at the most prominent points, or where most required at the intersection of Rivers and highways crossed by the lines so marked and defined in the field; the whole as shewn on the accompanying tabular statement, constructed from and based upon actual measurements, and the astronomical observations and calculations of the undersigned, and which are also exhibited on the sectional Plans accompanying the Report of his colleagues in triplicate, bearing date 18th December, 1855, one of which was forwarded to Her Majesty's Principal Secretary of State for the Colonies, one to the Government of Canada, and the third to the Government of New Brunswick.

The undersigned has the honor further to report that he has dissented in opinion from his colleagues in reference to the River Mistouche, specially named and pointed out by the Imperial Statute under which they acted, as forming part of the Boundary between Canada and New Brunswick. The undersigned has therefore deemed it incumbent upon him to decline signing the Report prepared by them to Her Majesty's Imperial Government, unless the exceptions which he considered it to be his imperative duty to make in respect to the adoption of the River Patapedia as being the River Mistouche, and assumed, as such, to form part of the Boundary between Canada and New Brunswick, were recorded in the proceedings of the Commission, under a note to that effect to be inserted at the foot of their Report.

The correspondence between the Commissioners, arising out of their refusal to admit of the exceptions as proposed, is hereunto subjoined, together with copies of the communications which were exchanged between them on the subject of difference relating to the River Mistouche, anterior to the date of the joint Report to Her Majesty's Government, dated Little Falls, 30th November, 1854, and which are not contained in the appendix of their Report.

Abstaining here from entering at great length upon the subject of difference between the undersigned and his colleagues, and to which they have alluded in their Report, he would respectfully beg leave to draw the attention of Her Majesty's Government to the anomaly which would necessarily result from the final adoption of the River Patapedia as being the River Mistouche of the Act of Parliament, and forming as such part of the Boundary between Canada and New Brunswick.

In adopting the Patapedia for the Boundary, and giving to it the name of Mistouche, two Rivers of the same name, as tributaries of the Ristigouche, are thereby created, involving all those difficulties and embarrassments connected with

boundaries and civil rights which must result from the conflict of the names of otherwise well known and identified streams.

No Report of the Commissioners could, it is apprehended, change well-recognized land-marks; and the true Mistouche would still, in the public eye, be considered to be under the Imperial Act the Boundary of New Brunswick, and not the Patapedia, notwithstanding its designation as the Mistouche upon the plans and delineations of the Boundary Commissioners.

In giving to the River Patapedia or Patamaga the additional name of Mistouche, as described in the sectional Plans accompanying the Report of two of the Commissioners, it is self-evident, upon a comparison of the Map referred to by the Arbitrators, and the Map of the Commissioners, that the Patapedia is not the stream designated in the Act of Parliament, inasmuch as the Map upon which the Arbitration no doubt was based indicates, as the Boundary between the two Provinces, a River under the name of Mistouche, that discharges itself immediately above a remarkable bend of the Ristigouche, faithfully delineated upon the Map of the Arbitrators, corroborated by a number of official authorities and public maps, and agreeing strictly in geographical position with the real Mistouche, which discharges itself into the Ristigouche at that precise point.

The reasoning to be found in the Report of his two colleagues for adopting as the line of Boundary a different stream in name as well as locality from that of the Mistouche, comports a recognition of error of description in the award in the adoption of the Mistouche, and might supply cogent reasons for altering and amending the Act in that particular by substituting the River Patapedia to the River Mistouche; but it has appeared to the undersigned insufficient to authorize the Commissioners to change the designation of Rivers by applying the designation of one known River to that of another equally known and identified, in order to give effect to an Act of legislation which it is believed could be done, but by the legislative power itself which framed the enactment.

This view of the subject was at one time entertained by his colleague Commissioner, Lieutenant Colonel Robinson, whose opinion was expressed in his communication of the 13th October, 1854, as may be seen on reference to the annexed correspondence.

As a question of territory alone the undersigned would not have deemed it of sufficient magnitude to have differed in opinion with his colleagues, had not the question involved the geographical transposition of the real Mistouche to an assumed Mistouche, only because the latter River (the Patapedia) is one whose waters are intersected by the 48th parallel of latitude, whilst the source of the former (the Mistouche) fall short of that parallel by about five geographical miles.

In another point of view the undersigned considers that the latitude given the Commissioners under the terms of the Commission, "to ascertain, define, and mark the line of Boundary between Canada and New Brunswick, agreeably to the intent of the award of the Arbitrators," conferred upon them no authority for substituting or establishing a line of Boundary which was inconsistent with the actual Topography of the Country, and thereby committing the rights and interests of one or other of the Provinces concerned in the demarcation of the line of Boundary, without affording them an opportunity of giving their adherence to such a line in suggesting to Her Majesty's Government such amendments to the Act of Parliament as would conduce to a proper understanding of the real intentions of the award of the Arbitrators; and if the Patapedia really was the River intended by them to form part of the Boundary between the Provinces of Canada and New Brunswick, this was the course which, in the humble opinion of the undersigned, it would have behoved the Commissioners to adopt in order to avert those causes of dispute and litigation among the frontier inhabitants of those

conterminous Provinces which will unavoidably arise under the questionable limit of jurisdiction between Canada and New Brunswick, as described in the Report of his colleagues.

It is with unfeigned regret that the undersigned has, under his convictions, found it impossible to concur with his colleagues upon this point, and therefore to present a unanimous Report to Her Majesty's Government. The undersigned however takes this occasion to state, that apart from the subject of difference above alluded, and the more recent difference of opinion as to the manner of carrying the line of boundary down the waters of the Ristigouche, a general harmony of action in the course of three successive years of arduous field operations has prevailed amongst them.

All which is most respectfully submitted.

JOS. BOUCHETTE,
H. M. Boundary Commssioner.

Toronto, 10th January, 1856.

No. 3.

Documents accompanying the foregoing Report, A, B, C, D, E, F, and G.

Documents accompanying the Report of Joseph Bouchette, Esquire, to the Right Honorable Her Majesty's Secretary of State for the Colonies, of the operations performed under the Imperial Act 14 and 15 Vic., cap. 63, to define the Boundary between Canada and New Brunswick.

Toronto, 10th January, 1856.

The Documents transmitted to Her Majesty's Secretary of State and to the Government of New Brunswick, contained Copies of all the Documents and Communications enumerated in the annexed Index.

Documents and Correspondence.

Tabular Statements relative to the Monuments erected on the Line of Boundary, under Imperial Act 14 and 15 Vic. cap. 63 :—

- * Communication, 6th December, from Mr. Bouchette to Colonel Robinson.
 - * Exceptions to part of the General Report by Mr. Bouchette.
-

The Documents and Copies of the Communications marked (*) were transmitted to the Honorable G. E. Cartier, Provincial Secretary, on the 10th December last.—(See No. 4.)

- * Memorandum and Ultimatum, 8th December, from Commissioners.
- * Plan of River Mistouche.

List of Authorities and Official Documents establishing position of the River Mistouche:—

Questions proposed to Mr. Blaiklock, 9th December.

- * Communication, 11th December, from Colonel Robinson to Mr. Bouchette.
- * Memorandum to Commissioners, from Mr. Bouchette, 13th December.
- * Communication 18th December, Colonel Robinson to Mr. Bouchette.
- * do 19th do, to Honorable Mr. Cartier, Provincial Secretary.
- * do 19th do, to Honorable Mr. Cartier respecting Islands.
- * do 21st do, Mr. Botsford to Mr. Bouchette.
- * do 22nd do, Mr. Bouchette to Mr. Botsford.
- * do 22nd do, Mr. Bouchette to Honorable G. E. Cartier.
- * do 24th do, Mr. Botsford to Mr. Bouchette.

Correspondence referred to in the preceding Correspondence not referred to in Appendix C accompanying the General Report:—

Communication dated 4th July, Mr. Bouchette to Mr. Botsford.

Report, 15th May, Mr. Blaiklock's Survey of River Ristigouche.

Communication, 5th July, Mr. Bouchette to Colonel Robinson.

do 16th do, Colonel Robinson to Mr. Bouchette.

do 23rd do, do do do do.

do 2nd August, do do do do.

do 10th do, Mr. Bouchette to Colonel Robinson.

At Camp, Patapedia River, 13th October.

Correspondence between the Commissioners, accompanying the Report of Colonel Robinson and Mr. Botsford.

- * 6th December, Letter from Mr. Bouchette to Colonel Robinson,
- * 8th do do do Commissioners to Mr. Bouchette.
- * 8th do do do Mr. Bouchette to Colonel Robinson.
- * 10th do do do do to do.
- * 13th do do do do to Commissioners.
- * 13th do do do Memorandum.
- * 15th do do do Colonel Robinson to Mr. Bouchette.
- * 31st do do do Mr. Bouchette to Colonel Robinson.
- * 10th August, 1855, Memorandum respecting Ristigouche.
- * 17th December, Letter from Mr. Bouchette to Colonel Robinson.
- * 18th do do do do to do.
- * 18th do do do Colonel Robinson to Mr. Bouchette.

Toronto, 10th January, 1856.

The Documents and Copies of the Communications marked (*) were transmitted to the Honorable G. E. Cartier, Provincial Secretary, on the 19th December last.—(See No. 4.)

List of Authorities and Official Documents which represent the position of the
• River Mistouche at its confluence with the River Ristigouche, in accordance with and agreeably to the Map of the Arbitrators, referred to in the Imperial Act 14 and 15 Vic., cap. 63, designating the line of Boundary between Canada and New Brunswick,

1st. Map accompanying the Report of the Royal Commissioners in the settlement of the line of boundary between Canada and New Brunswick, dated 1848.

2nd. Map by John S. Saunders, Esquire, Surveyor General of New Brunswick, dedicated in 1842 to Sir John Colebrook, which besides identifies the River Mistouche under the additional designation of Tracy's Brook.

3rd. Map of Canada by Major Samuel Holland, published in London in 1796, assisted by Mr. William Vandernilder, Surveyor of the District of Gaspé.

4th. Map of W. S. Odell, Esquire, Surveyor, under the 5th article of the Treaty of Ghent, 1823, exhibiting part of the Provinces of Canada and New Brunswick, with the adjacent portions of the United States.

5th. Maps of Canada published in 1842 and 1854, by Arrowsmith, Geographer to Her Majesty; the latter map especially identifies the Mistouche under the name of Tracy's Brook.

6th. Map of New Brunswick, by S. Parley, Esquire, published in New Brunswick in 1853, shewing the Line of Boundary between Canada and New Brunswick, designed under the Act of Parliament.

7th. Maps of Canada and the adjacent Provinces published in London, 1815 and 1831, by Joseph Bouchette, Esquire, Surveyor General of Lower Canada.

8th. Maps of Lower and Upper Canada and the adjacent Provinces of New Brunswick and Nova Scotia, published in 1831 and 1846, by Joseph Bouchette, Esquire, Deputy Surveyor General.

9th. Official Surveys of the Ristigouche and its tributaries, performed by Mr. Hunter, Surveyor, under the authority of the Government of New Brunswick, returned into the Surveyor General's Office of that Province, shewing the relative positions of the tributaries of the Ristigouche, called by lumbermen Patamaja and Tracy's Brook.

10th. Sectional Plans of the Ristigouche, returned in September, 1854, by W. H. Blaiklock, Principal Surveyor of the Boundary Commission, to accompany his Report of the actual Survey of that River and the River Mistouche, performed under instructions approved by the Commissioners.

No. 3.—(Continued.)—

CANADA AND NEW

TABLE shewing the Geographical position and relative erected on the Line of Boundary between the the Imperial Act, 14th and 15th VICTORIA,

No. of Monument.		SITUATION AND POSITION OF MONUMENTS.	LATITUDE. — North.	Longitude West from Greenwich.		Azimuth North
Large.	Small.			In Arc.	In Time.	Eastward.
			° ' "	° ' "	H. M. S.	° ' "
1..	.....	Station, Point A.—Lake Pechlaweckaaconies or Beau Lake, the Monument standing upon a rising ground at the distance of 100 feet from water's edge, and 176 feet from the above point in the middle of the stream of the St. Francis, near the outlet of the said Lake marked A on copy of the Plan XVII, referred to in the award of the Arbitrators.	47.47.58 by Observation, 47.18.1.2 Mean Observation from Plans 16, 17 & 18, Treaty of Washington, 1842..	69.4.00.	4.86.16	74.2.80.
	2	This Monument stands on the ascent of the Hill in sight of No. 1.....	.....	.....	.....	.....
	3	Summit of 3rd Notch Hill, in sight of 2nd Notch Monument No. 4, to the East, and Notch 1st Mile Hill .....	.....	.....	.....	.....
	4	On summit of 2nd Notch Hill, in sight of Monument No. 4, towards the east, and Monument No. 8, 1st Notch Hill.	.....	.....	.....	.....
	5	On a rise west side of Little River, falling in the River St. John .....	.....	.....	.....	.....

A.**BRUNSWICK BOUNDARY.**

**distances of the LARGE and SMALL IRON MONUMENTS
Provinces of CANADA and NEW BRUNSWICK, under
chapter 63.**

from True Eastward.	Angle of	Length of Line	Distance from last pre- ceding Monument.	Total Dis- tance follow- ing the Boundary from Point A	REMARKS.
Back Azimuth.	Deflection.	in Links.			
° ' "	° ' "		Chain. Links	Miles. Links.	
From Mo- nument No. 9, to 254.13.30 Monument No. 1...	From Point 983.00 A to Monu- ment No. 9.	.....	2.66	<p>This Longitude is deduced from the Geodesic operations and Astronomical observations of the Joint Surveys of the British and American Commission, under the Treaty of Washington, and also assuming the Longitude of the Observatory of the Citadel of Quebec to be 4h. 44m. 53s. east of Greenwich, answering to $71^{\circ} 13' 15''$ of Arc, agreeably to the Admiralty notice published in the Official Gazette.</p> <p>The line from point A to the one mile end line, Long Lake, was opened through the Forest, 20 feet wide, leaving a centre of eight feet clear for chaining.</p>
.....	37.23	39.89	
.....	194.01	273.90	<p>The course of the line was obtained from Trigonometrical Computation and proportional series on data, deduced from a trial line run from the Astronomical Station at Monument No. 9, on Mount Robinson. Mr. Alexander Wallace, Assistant Surveyor to the Commission, during the operations of 1853, prolonged the line on the course given him by Lieutenant Colonel Robinson, viz: south 73.25 west, Astronomically differing from the plan of construction of the undersigned, indicating the the course south 74.25 west, nearly, and from his computation for course of trial line, deduced from his Astronomical Observations at Long Lake Station, viz: 74.16 west,—as per Appendix F.</p>
.....	55.70	3.49.60	
.....	192.00	6.1.60	

TABLE shewing the Geographical positions and relative distances of the LARGE
the Provinces of CANADA and

No. of Monument.		SITUATION AND POSITION OF MONUMENTS.	LATITUDE. — North.	Longitude West from Greenwich.		Azimuth North Eastward.
Large.	Small.			In Arc.	In Time.	
			° ' "	° ' "	H. M. S.	° ' "
	6	{ On a hill, west side of Brook, } falling into Little River or } Nadeau's Creek..... }	.....	.....	.....	.....
	7	{ At Little River or Nadeau's } Creek, on the east side } thereof ..... }	.....	.....	.....	.....
	8	{ Summit of 1st Notch Hill, or } Mount Bouchette, in sight of } Monument No. 4, to the } eastward of Monument No. } 9, at Mount Robinson to the } westward. .... }	.....	.....	.....	.....
9.....		{ At the south extremity of the } line run one mile due south } from the southermost extre- } mity of Long Lake. The } Monument standing near the } summit of a high Mountain, } designated on the sectional } map No. 2, under the appel- } lation of Mount Robinson. }	47.20.51.9	68.48.54	4.35.15.8	68.18.30

and SMALL IRON MONUMENTS erected on the line of Boundary between NEW BRUNSWICK, &c.—(Continued.)

from True Eastward.	Angle of Deflection.	Length of Line in Links.	Total distance following the Boundary from point A.	Distance from last preceding Monument.	REMARKS.
Back Azimuth.					
o / "	o / "		Chain. Links	Miles. Links.	
.....	.....	.....	116.00	7.37.60	{ This hill is about 431 feet above the level of Beau Lake. Mixed Timber.
.....	.....	.....	164.85	9.42.45	
.....	.....	.....	180.55	11.13.00	{ This is an elevated part of the ridge which, in its northerly direction, trends along the westerly side of Long Lake, and divides it from Blue River; the eastern branch of the River St. Francis.
.....	
From Monument No. 17 to 248.28.48 Monument No. 9.	5.55.00	98300.	From last preceding 90.00 Monument.	12.23.00	{ A Line was run due South from the Southern extremity of Long Lake by the Commissioners, the distance of one statute mile, which terminated near the summit of a Hill of considerable elevation, which was called Mount Robinson, from its being the encampment of Lieut. Colonel Robinson; this Station being about 795 feet above Long Lake, and 1490 feet above the Sea, commands an extensive view of the Country lying East, North, and West; the summit of Mount Robinson being South of the above Astronomical Station, closing the view in that direction. From this the trial Lines were started towards the South angle of Fief Madawaska, and Westward towards Point A. The course of the Line of Boundary is visible in this direction to the 1st Notch Hill at Monument No. 8, while to the Eastward, the Line is distinctly visible at the tops of the Ridges of Highlands, and the exposed face of the Hills, for a distance of above 11 miles at the Monument No. 15.

TABLE shewing the Geographical positions and relative distances of the LARGE
the Provinces of CANADA and

No. of Monument.		SITUATION AND POSITION OF MONUMENTS.	LATITUDE — North.	Longitude West from Greenwich.		Azimuth North Eastward.
Large.	Small.			In Arc	In Time.	
			° ' "	° ' "	H. M. S.	° ' "
	10	On the N.W. slope of a hill on the ridge between Baker River and the inlet of Long Lake visible from Monument No. 9 .....	.....	.....	.....	.....
	11	On the Northern side of the mouth of the inlet at North-Westerly head of Baker Lake .....	.....	.....	.....	.....
	12	On the Easterly border of Baker Lake, visible from Monument No. 9 .....	.....	.....	.....	.....
	18	On the East side of Baker's Brook .....	.....	.....	.....	.....
	14	On the Northerly slope of a high mountain on the Notch visible from Monument No. 9 .....	.....	.....	.....	.....
	15	On the Easterly side of the N.E. Branch of Baker's Brook .....	.....	.....	.....	.....
	16	Summit of Ridge visible from Transit Station, Mount Robinson, or Monument No. 9.	.....	.....	.....	.....

and SMALL IRON MONUMENTS erected on the line of Boundary between NEW BRUNSWICK, &c.—(Continued.)

from True Eastward.	Angle of deflection.	Length of line in Links.	Distance from last preceding Monument.	Total distance following the Boundary from point A.	REMARKS.
Back Azimuth.					
° ' "	° ' "		Chain. Links	Miles. Links.	
.....	182.24	13.75.24	<p>The Country traversed by this Line, as seen from Mount Robinson, appeared to lay in parallel ridges, laying generally N. N.W. and S. S.E., rising on the East side of Baker's Lake, to a considerable height, the highest being attained within about half a mile of the South Angle, and East of those ridges. Notches were opened on the course of the Line adjusted by the Altitude and Azimuth Instrument set in position at the Astronomical Station at Mount Robinson, over the point at the extremity of the one mile Line measured from the Southermost point of Long Lake.</p> <p>The course of the Line was obtained from Trigonometrical Computation, and from Offsets measured from the trial Line run by Mr. John Grant, Surveyor, of New Brunswick, (attached to the boundary Commission for N.B.) On the course North 63.40 East astronomically, from the Astronomical Station, at Monument No. 9, to connect with the South Angle of Fief Madawaska, determined by operations and measurements from the Astronomical Station at the River Madawaska, the course according to computation of the undersigned for the trial Line, to wit, being 63° 23' 38", see Appendix, was detected from his Astronomical Observations for Latitude, at the Stations at Long Lake, and River Madawaska, connectively, with the return of the Operations of Mr. Gardner, Surveyor, New Brunswick, and the measurements of the South East Boundary of Fief Madawaska.</p>
.....	182.23	16.27.47	
.....	48.53	16.76.00	
.....	160.50	18.5.50	
.....	99.50	19.25.00	
.....	144.00	20.59.00	
.....	15.7.00	22.52.00	

TABLE shewing the Geographical positions and relative distances of the LARGE
the Provinces of CANADA and

No. of Monument.		SITUATION AND POSITION OF MONUMENTS.	LATITUDE. — North.	Longitude West from Greenwich.		Azimuth North Eastward.
Large.	Small.			In Arc.	In Time.	
			° ' "	° ' "	H. M. S.	° ' "
17..	{ At the South Angle of the Fief Madawaska and Lake Temiscouata, mentioned in the Act of Parliament, the Monument being situate at the base of a considerable elevation, and at 29 links S.W. from a small brook tributary of Trout River, discharging into the River Madawaska..... }	47.25.32.4	68.38.8.8	4.34.2.8	45.0.0 }
18	{	{ Situate upon a high hill which slopes to the N.W., Monuments No. 19 & 22 to the N.E. are visible from it.... }	.....	.....	.....	.....
19	{	{ Situate upon the summit of a very high hill, which forms the range bordering the S.W. side of River Madawaska. Monument No. 21, to the N.E., and No. 18 to the S.W. are visible ..... }	.....	.....	.....	.....
20	{	{ Situate upon the S.W. side of of the road leading from New Brunswick to River du Loup ..... }	.....	.....	.....	.....

and SMALL IRON MONUMENTS erected on the line of Boundary between NEW BRUNSWICK, &c.—(Continued.)

from true Eastward.	Angle of Deflection.	Length of line in Links.	Distance from last preceding Monument.	Total distance following the Boundary from point A.	REMARKS.
Back. Azimuth.			Chain. Links	Miles. Links.	
From Monument No. 24, to 235.0.0 Monument No. 17.	23.32.49	From last preceding 96450 Monument.	185.50	24.27.50	<p>This point, forming the South Angle of Fief Madawaska and Lake Temiscouata, was determined by the measurement of 2 French leagues, (good measure,) from the River Madawaska, on a course due South-west, according to the French Ordinance of 1676.</p> <p>Besides the Iron Monuments erected under the Commission, square Cedar Posts were firmly planted in the ground, and at foot, Stone Boundaries, with pieces of Glass, to serve as witnesses, as returned in Mr. Wallace's Procès Verbal, in the form required by Law of Lower Canada.</p> <p>This Line forming part of the S.E. Boundary of Fief Madawaska, mentioned in the Act of Parliament, was opened 20 feet wide.</p>
.....	.....	.....	202.00	26.69.50	<p>This Hill is 840 feet above the level of the River Madawaska, its Summit is Timbered with Maple, Birch, and Spruce.</p>
.....	.....	.....	191.75	29.21.25	<p>There is an abrupt rise to the summit of the Ridge, commencing about 10 chains from the Public Road; the Ridge is 580 feet above the level of the River. The Hard-wood is mixed with Spruce and Fir.</p>
.....	.....	.....	72.00	30.18.25	<p>The Land here is generally level, and of alluvial origin, prevailing more or less at the base of the Ridge which skirts the River from its mouth to Lake Temiscouata. Spruce, White Birch, and Fir.</p>
-	-	-	-	-	<p>This Station is located on the N.E. side of River Madawaska, over the point where stood the primitive post, erected in 1836, by the undersigned, marking S.E. limit of the Fief Madawaska and</p>

TABLE shewing the Geographical positions and relative distances of the LARGE
the Provinces of CANADA and

No. of Monument.		SITUATION AND POSITION OF MONUMENTS.	LATITUDE — North.	Longitude West from Greenwich.		Azimuth North Eastward.
Large.	Small.			In Arc.	In Time.	
			° ' "	° ' "	H. M. S.	° ' "
	21	Situate upon the S.W. bank of the River Madawaska, at 150 Links S.W. of the Primitive Post and Boundary, marking the S.E. limit of the Seigniorie or Fief Madawaska .....	.....	.....	.....	.....
		Astronomical Station.....	47.29.18	68.29.34.6	4.38.53.2	45.00.00

and SMALL IRON MONUMENTS erected on the line of Boundary between NEW BRUNSWICK, &c.—(Continued.)

from true Eastward.	Angle of Deflection.	Length of line in Links.	Distance from last pre- ceding Monument.	Total dis- tance follow- ing the Boundary from point A.	REMARKS.
Back Azimuth.					
.....		Chain. Links	Miles. Links.	
			23.75	80.37.00	Lake Temiscouata, under the authority of the Executive Government of Lower Canada. At this Station, the instruments purchased of Troughton & Simms, for the Boundary Service, were received; the Azimuth and Altitude Instruments and transits placed in position, examined and adjusted; likewise, a Theodolite by Troughton & Simms, with transit action, purchased of Oliver Wells, Esquire. A Chronometer $\frac{3}{4}$, by Farquhar, London, mean solar time, and a Sideral Chronometer by Hutton, No. — were properly rated by transit observations; the result of the observations of the undersigned, obtained, with the Theodolite and Sextant by Andrews, London, divided to 10' gave the Geographical positions inserted in these columns.
235.00.00	..... {	From last preceding 49340 Monument. }	3.90	80.40.90	From this Station, the course of the line on the S.W. side of the River Madawaska was set off, passing through the primitive posts still standing on that side of the River, also a true N.E. course, set off on the N.E. side of the River, both of which lines were produced by measurement, to the depth of two French leagues, returned by Mr. Wallace, in his Procès Verbal, and the plan therewith accompanying. The latitude of this Station, as contained in the column of latitudes, corresponds very nearly with the latitude deduced from the plans of Survey of the River Madawaska, returned in the Surveyor General's Office of both Provinces, colaterally with the latitude of the Astronomical Station of the Commissioners, under the treaty of Washington, situate at the Bridge of the River Madawaska.

TABLE shewing the Geographical positions and relative distances of the LARGE
the Provinces of CANADA and

No. of Monument.		SITUATION AND POSITION OF M O N U M E N T S .	LATITUDE — North.	Longitude West from Greenwich.		Azimuth North Eastward.
Large.	Small.			In Arc.	In Time.	
			° ' "	° ' "	H. M. S.	° ' "
	23	Situate upon the top of a hill of Hard wood, N.E. side of the River Madawaska, Monument No. 19, is visible therefrom .....	.....	.....	.....	.....
	28	Situate upon the S.E. slope of a hill which extends some distance to the N.W., Monument No. 24 is visible from it .....	.....	.....	.....	.....
24	.....	South-east Angle, Seigniories of Madawaska, and Temiscouata, upon the S.W. slope of a low hill, Monument No. 23, and upon the S.E. Out-line of the Seigniory, and No. 25 upon the Meridional line, are visible from it	47.33.1.4	68.24.3.8	4.33.26.1	{ Due North. }
	25	Upon the Summit of the N.E. point of a chain of hills, which extends to Monuments No. 24 to the South, and 26, 28, 29 to the North, are visible from it .....	.....	.....	.....	.....
	26	Upon the N.E. slope of a hill, which extends to the N.W. on the West Bank of the River Iroquois, Monuments, No. 25 to the South, and 27 and 28 to the North, are visible from it .....	.....	.....	.....	.....
	27	Upon the Bank of the River Iroquois, upon a point of low alluvial land, Monuments 26 to the South, and 28 to the North, are visible from it ..	.....	.....	.....	.....

and SMALL IRON MONUMENTS erected on the line of Boundary between NEW BRUNSWICK, &c.—(Continued.)

from true Eastward.	Angle of Deflection.	Length of line in Links.	Distance from last pre- ceding. Monument.	Total dis- tance follow- ing the Boundary from point A.	REMARKS.
Back Azimuth.					
o / "	o / "		Chain. Links	Miles. Links.	
.....	.....	.....	285.75	33.32.75	{ Birch, Maple, Beech, and Spruce Timber. Soil, light loam.
.....	.....	.....	226.00	36.18.75	{ This is one of the points indicated in the Act of Parliament, and which presents the second As- tronomical Station on the Boun- dary Survey; from it was start- ed, according to the Joint Ob- servations of the Commissioners, the Meridional Line which was prolonged to the intersection of the East and West Line at the Highlands, as returned by Mr. F. W. Blaiklock; this Line was opened 20 feet wide.
From Monument No. 29 to Due South Monument No. 24.	{ 45.8.55	{ From last preceding 98111 Monu- ment.	29.85	36.48.50	{ The Angle between the Meridian Line and the rear Line of the Seignior of Madawaska, was set off at 45 Degrees, to define the limit of Crown Lands lying between the Meridional Line and the Seignior.
.....	.....	.....	188.50	38.27.00	Transit Station.
.....	.....	.....	108.00	40.55.00	{ This Monument is on the rise, nearly equal distant between the intersected points of the Iroquois River. Elevated hard- wood ridges extend Northwards with the course of this stream.
.....	.....	.....	111.81	41.6.81	{ The Iroquois River meanders through Alders in level swampy Land.

TABLE shewing the Geographical positions and relative distances of the LARGE
the Provinces of CANADA and

No. of Monument.		SITUATION AND POSITION OF M O N U M E N T S .	LATITUDE. — North.	Longitude West from Greenwich.		Azimuth North Eastward.
Large.	Small.			In Arc.	In Time.	
			° ' "	° ' "	H. M. S.	° ' "
	28	Upon the N.W. point of a range of hills extending to the S.E., and forming the chain bordering the E. Bank of the River Iroquois, Monuments 25, 26, and 27 to the South, and 29 to the North, are visible from it.....	.....	.....	.....	.....
	29	Situate upon the summit of a chain of hills which extend to the East, and from the chain bordering the South Bank of the S.W. branch of Green River, Monuments No. 25 & 28 to the South, and No. 30 & 31, being visible from it .....	.....	.....	.....	.....
	30	Situate upon the summit of a broad-topped hill of Hardwood, lying between 1st & 2nd Forks of Green River, Monuments No. 29 to the South, and 31 to the North, are visible from it .....	.....	.....	.....	.....
	31	Upon the same hill as the preceding, and Monuments No. 29 & 30 to the South, and 36 to the North, are visible from it.....	.....	.....	.....	.....
	32	Situate upon the summit of the hill forming the range bordering the South Shore of the 3rd Lake, upon the 2nd Fork of Green River, Monuments No. 33, 34 & 35 to the North, being visible from it.....	.....	.....	.....	.....
	33	Upon the North Bank of the 4th Lake, on the 2nd Fork of Green River, Monument 32 to the South, being visible from it .....	.....	.....	.....	.....
	34	Upon very gentle rising ground, lying towards the West, Monuments No. 32 to the South, and 35 to the North, are visible from it ..	.....	.....	.....	.....

and SMALL IRON MONUMENTS erected on the line of Boundary between
NEW BRUNSWICK, &c.—(Continued.)

from true Eastward.	Angle of	Length of line	Distance from last preceding Monument.	Total distance follow- ing the Boundary from point A.	REMARKS.
Back Azimuth.	Deflection.	in Links.			
° ' "	° ' "		Chain. Links	Miles. Links.	
.....	109.9	42.85.90	{ Mixed Timber, Spruce, Birch, Fir. Soil, a light loam.
.....	259.88	45.55.78	Transit Station, Hardwood Land.
.....	206.27	48.22.00	{ Open Woods, Maple, Birch and Fir. Good Light Loam.
.....	206.27	48.22.00	{ Transit Station, near 18 mile post from South-east Angle. Large Timber, consisting chiefly of Birch and Maple.
.....	118.68	49.55.68	{ Open Woods, Tall Timber, Birch, Spruce, and Maple.
.....	118.98	51.9.61	{ The Land is of a sandy soil, with Birch, Fir, and Spruce.
.....	126.61	54.18.50	Fir, Spruce, and Birch Timber.

TABLE shewing the Geographical positions and relative distances of the LARGE the Provinces of CANADA and

No. of Monument.		SITUATION AND POSITION OF MONUMENTS.	LATITUDE — North.	Longitude West from Greenwich.		Azimuth North Eastward.
Large.	Small.			In Arc.	In Time.	
			° ' "	° ' "	H. M. S.	° ' "
	85	Upon the summit of a low hill of Hardwood, Monuments 82 & 84 to the South, are visible from it.....	.....	.....	.....	.....
	86	Situate upon a very high Hardwood hill, from which can be seen Monuments No. 29 & 31 to the South, and 88 to the North .....	.....	.....	.....	.....
	87	A large Monument placed upon the Bank, at 159 Links North from a small tributary of the River Toladie ..	.....	.....	.....	.....
	88	Upon a high Hardwood hill, from which Monument No. 86 to the South, can be seen.	.....	.....	.....	.....
89	.....	At the intersection of the Meridional Line drawn due North from the S.E. angle of the Fief Madawaska, the E. & W. Tangent Line, North Tangent Angle upon the S.W. slope of a low hill, there are no Monuments visible from here	47.54.43.5	68.24.03.8	4.38.36.1	East
	40	Upon the North point of a hill lying steep towards the North, Monuments No. 41 & 42 to the East, are visible from it.....	.....	.....	.....	.....
	41	Situate in a level swampy land, at 851 links East of the main branch of the River Rimouski, Monument No. 40 to the West, being visible from it.	.....	.....	.....	.....
	42	Upon the summit of a low hill running North and South, and dividing the waters of the River Rimouski from those of the Belle Redgwick, Monument No. 40 to the West, is visible from it....	.....	.....	.....	.....

and SMALL IRON MONUMENTS erected on the line of Boundary between NEW BRUNSWICK, &c.—(Continued.)

from true Eastward.	Angle of	Length of line	Distance from last preceding Monument.	Total distance follow- ing the Boundary from point A.	REMARKS.
Back Azimuth	Deflection.	in Links.			
o / "	o / "		Chain. Links	Miles. Links.	
.....	.....	.....	151.50	55.5.00	Maple, Birch, Fir. Open Woods.
.....	.....	.....	200.70	57.45.70	{ Lieutenant Colonel Robinson's Transit Station. The 21st mile post, planted by Mr. Blaiklock, is 2 Chains 80 Links North of it, where the Operation in 1853 terminated for the Season.
.....	.....	.....	179.46	59.65.16	{ This large Monument is supernu- mary of the number of the large Monuments ordered.
.....	.....	.....	84.48	60.69.64	{ This Hill extends to the South- east. Open Wood, Birch, Maple and Fir Timber.
West.	89.00.00	{ From last preceding 199967 Monu- ment. }	58.53	61.48.17	{ This is one of the points indicated in the Act of Parliament, and shewn on the Map therein re- ferred to. No Astronomical Ob- servations were taken here, as the East and West Line was drawn from the East, to inter- sect the Meridian Line prolong- ed from the 21st mile post planted by Mr. Blaiklock in 1853.
.....	.....	.....	199.27	63.27.84	{ Transit Station. Birch, Fir, and Spruce Timber.
.....	.....	.....	60.18	64.8.06	{ This head stream of the Rimous- ki is 11 Links wide, and rises in a small Lake South of the Boundary Line.
.....	.....	.....	158.86	65.6.42	{ Transit Station. Variation 20° 10' West.

TABLE shewing the Geographical positions and relative distances of the LARGE
the Provinces of CANADA and

No. of Monument.		SITUATION AND POSITION OF MONUMENTS.	LATITUDE. — North.	Longitude West from Greenwich.		Azimuth North Eastward.
Large.	Small.			In Arc.	In Time.	
			° ' "	° ' "	H. M. S.	° ' "
	43	Situate at the base of a hill upon the edge of a bog, bordering the River Belle Redgwick, and 1802 links East of that stream; there are no Monuments visible from it .	.....	.....	.....	.....
	44	Situate upon a high hill of Hardwood, which forms the range on the West side of the Tomahegan, (a small tributary of the Rimouski,) in which it and some of the waters of the Belle Redgwick have their rise. Monument 45, to the East, can be seen from it .....	.....	.....	.....	.....
	45	Upon a high Hardwood hill, of a round slope, it is nearly enclosed within the waters of the "Tomahegan," or middle branch of the Rimouski. Monument No. 44, to the West, is alone visible from it .....	.....	.....	.....	.....
	46	Is situate upon the southern extremity of the range of hills dividing the waters of "Tomahegan," from those of the River Plata, or eastern branch of the Rimouski....	.....	.....	.....	.....
47..	.....	Situate at the South Eastern Tangent Angle, at the intersection of the East and West line, with the Meridian line Tangent to the Highlands..	47.54.50	68.8.28	4.32.38.5	90.00.00

and SMALL IRON MONUMENTS erected on the line of Boundary between NEW BRUNSWICK, &c.—(*Continued.*)

from true Eastward.	Angle of	Length of line	Distance from last preceding Monument.	Total dis- tance follow- ing the Boundary from point A.	REMARKS.
Back Azimuth.	Deflection.	in Links.			
° ' "	° ' "		Chain. Links	Miles. Links.	
.....	.....	.....	174.62	67.21.04	White Birch, Fir. Sand Soil.
.....	.....	.....	189.54	69.50.58	Uneven Land. Birch, Fir and Spruce.
.....	.....	.....	101.7	70.79.65	{ Near the Station whence Mr. Blaiklock commenced the measurement of the East and West Line, as per Field Book.
.....	.....	.....	126.15	72.46.16	{ The Line runs nearly along the height of Land between the sources of the River Plata, and some of the head waters of the Redgwick.
270.0.0	89.58	{ From last preceding 96204 Monu- ment.	962.4	73.50.21	{ This point forms one of the Angles indicated in the Act of Parliament, and shewn on the Maps it refers to; the East and West Line being intended in the award of the Arbitrators, to be a Tangent to the height of Land dividing the waters flowing into the River Rimouski from those tributary to the St. John, and the Meridional Lines to be tangent to the height of Land dividing the waters flowing into the River Rimouski from those flowing into the Ristigouche, in regard to the first Tangent Line; the head waters of the Rimouski intersected in

TABLE shewing the Geographical positions and relative distances of the LARGE
the Provinces of CANADA and

No. of Monument.		SITUATION AND POSITION OF MONUMENTS.	LATITUDE. — North.	Longitude West from Greenwich.		Azimuth North Eastward.
Large.	Small.			In Arc.	In Time.	
			° ' "	° ' "	H. M. S.	° ' "
47.—	(Continued.)	.....	.....	.....	.....	.....
48	{	Mount Packington, a high mountain in the dividing ridge between Rimouski and Ristigouche waters .....	.....	.....	.....	.....
49..	.....	{ Placed at the intersection of the Meridian Tangent Line with the 48th parallel of Latitude, in rising ground sloping gently towards the West and South, Monument No. 48 on the Meridional Tangent line, is visible from it. }	47.59.51	68.828.	4.82.38.5	Due North.

and SMALL IRON MONUMENTS erected on the line of Boundary between NEW BRUNSWICK, &c.—(Continued.)

from true Eastward.	Angle of	Length of line	Distance from last preceding Monument.	Total dis- tance follow- ing the Boundary from point A.	REMARKS.
Back Azimuth.	Deflection.	in Links.			
° ' "	° ' "		Chain Links.	Miles. Links.	
.....	<p>several places where the head waters of the "Tooladie," a Tributary of the St. Johns, crossed to the North, as also the head waters of the River Belle Redgwick.</p> <p>No Line run E. & W. in the region of the height of Land mentioned in the Act of Parliament, without intersecting the opposed head waters or sources of the Rimouski, Tooladie, or Belle Redgwick.</p>
.....	161.50	75.51.71	<p>Mount Packington is one of the highest Mountains intersected by the Boundary, being over 1680 feet above the level of the Sea, determined by the Aneroid and the Mercurial Barometer; it is the more remarkable as it stands prominent in the Ridge dividing the waters of the Ristigouche and Rimouski, commanding a view of the Country around for many miles, the Monuments of both extremity of the Meridional Tangent Line being visible from the summit.</p> <p>On the Northerly slope of this Mountain, at the $1\frac{1}{4}$ mile post from Monument No. 49, the undersigned, in conjunction with Mr. Botsford, set off the course of the Tangent Line, according to Astronomical Observations, taken with the Theodolite transit. See Appendix A.</p>
Due South.	<p>{ From last preceding 45850 large Monument }</p>	297.00	79.8.71	<p>{ This is one of the Points or Angles indicated in the Act of Parliament. The Line under the 48th Parallel run West by Lieut. Col. Robinson, from the River Patapedia, to intersect the Meridional Line terminated at this point, forming very nearly a right angle with the said Meridional Line.</p>

TABLE shewing the Geographical positions and relative distances of the LARGE
the Provinces of CANADA and

No. of Monument.		SITUATION AND POSITION OF MONUMENTS.	LATITUDE. — North.	Longitude West from Greenwich.		Azimuth North Eastward.
Large.	Small.			In Arc.	In Time.	
			° ' "	° ' "	H. M. S.	° ' "
	50	Situate on the East Bank of the S.W. branch of the Redgwick River, there are no Monuments visible from it..	.....	.....	.....	.....
	51	Situate upon a low hill of mixed wood, and at about 3 chains East from the Lumber Road leading from Cooland's Camp to the Still Water Brook. Monument No. 52 to the East, can be seen from it .....	.....	.....	.....	.....
	52	Situate upon the southern side of a high hill of mixed wood. Monuments No. 51 to the West, and 53 to the East, are visible from it.....	.....	.....	.....	.....
	53	Is situate upon a high broad topped range of hills, which form the Western Bank of the River Redgwick. Monuments No. 52 to the West, and No. 55 towards the East, are visible .....	.....	.....	.....	.....
	54	Is situate on the Eastern Bank of the River Redgwick, in flat alluvial land, at 53 links from the East Bank. No Monuments are visible from it .....	.....	.....	.....	.....
	55	Upon the summit of a very high range of hills, which borders the Eastern Bank of the Redgwick River. Monuments No. 53 to the West, and 56 to the East, being visible .....	.....	.....	.....	.....

and SMALL IRON MONUMENTS erected on the line of Boundary between NEW BRUNSWICK, &c.—(Continued.)

from true Eastward.	Angle of	Length of line	Distance from last preceding Monument.	Total distance follow- ing the Boundary from point A.	REMARKS.
Back Azimuth.	Deflection.	in Links.			
o / °	o / °		Chain. Links	Miles. Links.	
.....	200.75	81.68.71	{ This Branch is called Cooland's River, laid down on the sectional Plan from the Exploration of the undersigned.
.....	85.00	82.28.71	{ Near the Lumber Road, a Log House for Depot of Provisions was put by surveying party.
.....	111.00	83.54.71	{ Astronomical Station of Lieut. Colonel Robinson.
.....	202.60	86.27.81	{ Transit Station, 1855. This Range of Hills approximate to 1500 feet above the Sea.
.....	93.80	87.41.11	{ About 1½ miles by the course of the River above this point, are the Falls of the Redgwick, below, and near which, on the East side of the River, is the Astronomical Station of the undersigned in 1854. Observations in Appendix.
.....	63.60	88.24.71	{ This is the Astronomical and Transit Station of Lieut. Colonel Robinson in 1854, from it is clearly discerned the course of the Line beyond Monument No. 56, and the curvature made under the parallel 48th degree of Latitude. The name of Mount Elgin was given to this Station, elevated about 1650 feet above the level of the Sea.

TABLE shewing the Geographical positions and relative distances of the LARGE
the Provinces of CANADA and

No. of Monument.		SITUATION AND POSITION OF M O N U M E N T S .	LATITUDE. — North.	Longitude West from Greenwich.		Azimuth North Eastward.
Large.	Small.			In Arc.	In Time.	
			° ' "	° ' "	H. M. S.	° ' "
	56	{ Situate on the ridge of hills lying on the East side of Pollard's Brook, the westernmost branch of the River Patapedia, from which Monuments No. 55 on the West, and No. 58 on the East, are visible . }	.....	.....	.....	.....
		N O T E .				
Large.	.....	{ Monument No. 59, erected on the West Bank of the River Patapedia, by Colonel Robinson and Mr. Botsford..... }	.....	.....	.....	.....
Large.	.....	{ Monument No. 60, erected at the mouth of the above River .....	.....	.....	.....	.....

TORONTO, 10th January, 1856.

and SMALL IRON MONUMENTS erected on the line of Boundary between
NEW BRUNSWICK, &c.—(*Continued.*)

from true Eastward.	Angle of	Length of line	Distance from last preceding Monument.	Total dis- tance follow- ing the Boundary from point A.	REMARKS.
Back Azimuth.	Deflection.	in Links.			
° ' "	° ' "		Chain. Links	Miles. Links.	
.....	{ From last preceding 125575 Monu- ment. }	589.00	95.8.71	<p>Astronomical and Transit Station of Lieutenant Colonel Robinson, situate on a Hill on the East side of Pollard's Brook; a branch of the River Patapedia, which intersects the 48th Parallel about 18 Chains East of the Line drawn from the source of the St. Oroix, by F. William Odele, Surveyor, under the 5th Article of the Treaty of Ghent.</p> <p>As the undersigned does not admit the continuation of the 48th Parallel to the River Patapedia as the River Mistouche, until competent authority establishes that River for part of the Provincial Boundary, he has here terminated the Report of the Line of Boundary drawn by the Commissioners, under the Act of Parliament 14 & 15 Victoria, chapter 68.</p>
.....	676.75	108.40.86	
.....	To Monument on River Patapedia.
.....

(Signed,) JOS. BOUCHETTE,
Her Majesty's Boundary Commissioner.

B.

BOUNDARY OFFICE, December 9th, 1855.

(Before the Commission of Boundary.)

Questions proposed to F. W. Blaiklock, Esquire, Surveyor to the Commission under the Imperial Act 14 and 15 Vic., cap. 63, for ascertaining, marking, and defining the Line of Boundary between the Provinces of Canada and New Brunswick.

1. You are a sworn Commissioned Surveyor for Lower Canada, and since when?

Answer.—Yes; in 1842.

2. Were you not desired, under written instructions from me, as a Boundary Commissioner, to proceed to the Ristigouche River, to ascertain the position of the River Mistouche; make a survey of that River to the 48th parallel; and thence to continue the survey of the River Ristigouche as far down as the season would permit you?

Answer.—Yes.

3. Please to name your Chain-bearers, and say whether they were sworn?

Answer.—Mr. Bois and Mr. Barbarie.

4. Did you not ascertain the position of the River Mistouche, and which is known likewise by the Lumbermen as Tracy's Brook, and state what you know of that stream, from the information obtained by you on the Ristigouche, and how it acquired the appellation of Tracy's Brook?

Answer.—Yes; it derives its appellation from one Tracy having lumbered on that River. The Mistouche is 180 links at the mouth, 75 links one mile up the River, and is there narrow and rapid.

5. Having failed to extend the survey of the River Mistouche beyond the first mile or so on account of the breaking up of the ice in the River, you continued the survey of the Ristigouche downwards, and started at the River Patapedia or Patamediac, which River you surveyed for $16\frac{1}{2}$ miles up stream; had you any authority or instructions to that effect from the Commissioners, and for what purpose did you make that survey?

Answer.—No; it is returned in my Report.

6. You have returned to the Commissioners certain Plans of the Ristigouche, to accompany your Report of the survey performed by you, under the instructions hereinbefore mentioned. Is not the relative position of the Rivers Mistouche and Patapedia thereon laid down, and laid in accordance with and the result of the information you obtained on the premises?

Answer.—Yes.

And was not that information derived from reliable sources?

Answer.—Yes, from the Indians, Lumbermen and Settlers on the Rivers.

7. You are presently employed at the Boundary Office as Draughtsman, to prepare certain original sections of the Surveys performed under the Commission, and have recently made from your fixed notes, a reprotraction of the Sections of the Ristigouche, comprising both the Rivers Mistouche and Patapedia, returned by you as distinct Rivers, as mentioned in your Report dated 15th May, 1854, and on the Sections of the Plans of the Ristigouche now of record with the

Commission, under whose instructions have you broken up the said section of your actual Survey and added the name of Mistouche to the River Patapediac?

Answer.—At the requisition of Lieutenant Colonel Robinson and Mr. Botsford.

By Mr. Botsford.—What is the average width of the Mistouche or Tracy's Brook for above one mile from its mouth?

Answer.—From 75 to 80 links.

What is the general width of the Patapediac as far as surveyed (16 miles).

Answer.—From 2 chains to $2\frac{1}{2}$ chains.

Certified.

(Signed,) F. W. BLAIKLOCK.
Provincial Surveyor.

—
(True Copy.)

GEO. FISET.

C.

Communications referred to in the preceding Correspondence not included in the Appendix C accompanying the Report of the Commissioners.

PATAPEDIA, 4th July, 1854.

Dear Sir,—I reached the Mistouche this morning, *via* Grand River; and after camping at the mouth of that River, I proceeded hither, having been informed at Cheyne's Settlement that you were encamped at the entrance of the River, and learnt from the man in charge of the depot of provisions that you had ascended the Patapedia with boats and stores, and were encamped some 22 miles up the River; also, that Major Robinson was daily expected from Campbellton, and would likely come up with the bateau expected Friday next.

I can scarcely describe my disappointment at not meeting you previous to your starting up that River, which leads me to conclude that you assume it as the River Boundary between Canada and New Brunswick, which we have been appointed to ascertain and define, under the Act of Parliament 14 and 15 Vic. cap. 63, establishing the Boundary Line.

It was not until the 21st ultimo, that I was officially informed, by command of the Governor General, that the necessary funds should be supplied by the Department of Public Works to continue the service this year.

I engaged at River du Loup the men for Mr. Blaiklock's Survey of the meridional line, limiting his party to ten men, two chain-bearers, and one cook, and proceeded myself, at the Lake, and at Emerson's, with four men and two canoes, to convey me and my assistants to the Mistouche River, taking an Indian guide, acquainted with the Ristigouche, to point out that River, the only one of that name, tributary of the Ristigouche, mentioned in the award of the Arbitrators, become law by the Imperial Act.

No such River as the Patapediac is named, either in the Act of Parliament or on the Map of the Arbitrators who signed the award, which Map I have, nor is the River mentioned in a Map accompanying the Report of Major Robinson, Captain Henderson, and Attorney General J. Johnston, Commissioners, appointed by Her Majesty to enquire into the legal claim of Canada and New Brunswick to the territory in dispute between those Provinces, nor is it named in the Map of S. Saunders, Surveyor General of New Brunswick, dedicated to Sir John Colebrook, in 1842; but the River Mistouche or Mistoue is accurately shewn on all these Maps, as situate above Still Water Brook, and about seven miles below the mouth of the Redgwick, being furthermore designated on the Surveyor General's Map as Tracy's Brook. That River Mistouche, therefore, is to constitute part of the River Boundary Line between these Provinces from the 48th parallel of latitude to its mouth on the Ristigouche; and it was in that view of the Act of Parliament that I framed the instructions to Mr. Blaiklock, a copy of which I enclosed to you, and which you were pleased to approve.

Agreeably to those instructions, Mr. Blaiklock proceeded on the Survey, and I identified the Mistouche named in the Act of Parliament, which River he could only scale about $1\frac{1}{2}$ mile, it being open, and the ice unsafe to proceed further up.

Mr. Blaiklock's Report of the River appears explicit, and leaves no room to doubt that it is the same River intended in the award. He further reports having (without instructions from me) scaled the Patapedia, the distance of some 17 miles, for the information of the Commissioners, sufficiently to represent that the Patapedia and the Mistouche are distinct Rivers. You will judge yourself upon perusal of the Report herewith enclosed to you; and I feel satisfied that any impression you entertain to the contrary, as arising from information drawn from less authentic sources, will be removed, and that you will agree to admit the Mistouche pointed out on the Map of the Arbitrators and other official Documents, —all of which I have with me for your inspection,—to be the River intended in the Act of Parliament, which we are now to carry out, and hope ardently, with the same unanimity that has marked our progress thus far.

I have despatched Mr. Bois, with the Indian guide, to hand you this hurried letter, while I must return to my camp at the Mistouche, where I will commence making astronomical observations for latitude and time, with a Sextant and Chronometer, the only instruments I have with me. I may also fix the stations upon the River, until you and Major Robinson join me to confer together upon the subject of the Boundary.

I have left a letter with Smith, the keeper at the Patapedia, for Major Robinson, when he arrives from Campbellton.

With the highest regard,
I remain, dear Sir, yours faithfully,

(Signed,) JOS. BOUCHETTE,
H. M. Boundary Commissioner.

Honorable A. E. BOTSFORD,
H. M. Boundary Commissioner.

D.

CAMP, SUNDAY, 16th July, 1854.

My dear Sir,—I send down the sextant, agreeably to your request. Mr. Ramsay and a party of exploration start to-morrow morning. They are to keep a

westerly course from this, and go as far as the North Line, keeping a look-out for all streams running southward.

I hope you will be able to settle early about the Mistou or Tracy's Brook. I do not think it can possibly extend anything like to 48th°.

We shall be delighted to have you again with us; we have a beautiful Camp, situated on a Plateau 30 or 40 feet above the stream; a space is reserved for your Tent. We must have your co-operation and agreement to determine the true 48th degree point.

The Patapedia is a beautiful River; it will take you a day and a half to pole up it; you will find our camping ground on the eastern bank, between the 10th and 11th mile marks.

In the hope of seeing you soon, believe me,

Yours very sincerely,

(Signed,) WM. ROBINSON.

Jos. BOUCHETTE, Esquire,
Commissioner of Boundary.

E.

CAMP, PATAPEDIA RIVER,

23rd July, 1854.

My dear Sir,—In opening my book box two or three days ago, I found that I had not sent you the brass stand for the sextant, the part I mean which fits the hole on the cover of the box, I now send it to you, and I hope to see it back and you with it very soon.

During this last week we have had very hot weather, we have thought of your hard fate exploring and tracing up the source of Tracy's Brook, or Mistou.

Mr. Ramsay and party have returned from their exploring in a westerly course from this as far as the North line, we crossed a Brook two or three times, but proved it to be the same, and to run into the Patapedia, being in fact Pollard's Brook.

I have read over Blaiklock's Report and your instructions to him, and compared both with the Maps of Mr. Alphonso Wells, which I have by me, the latter writes Mistoue most unmistakeably to the Patapedia River, and the general course of it is pretty correctly laid down on his map, the mouth of his Mistoue is far nearer the sea than Still Water Brook, it is in fact the Patapedia with the name of Mistoue to it, the former name being omitted entirely, at all events, supposing you are not yet convinced by your own exploration come up to this Camp and run a westerly line from the 48th degree. It will be easier to settle the point from this line, whether any waters of the Tracy's Brook reach so far North, than it can be done by following up the stream, owing to the difficulty of getting through the woods, when you can no longer follow the water courses. By running the 48th parallel by this westward, we shall not add much to our labours even if we had to force up the Patapedia River and adopt Tracy's Brook.

As it can be only a few miles before we strike it, and those few need not be cut out, but merely cut through until finally settled.

Mr. Botsford sends kindest remembrances.

Believe me,
Yours truly,

(Signed,) WM. ROBINSON.

JOSEPH BOUCHETTE, Esquire,
Commissioner of Boundary.

F.

CAMP, PATAPEDIA RIVER,

August 2nd, 1854, 10 P.M.

My Dear Sir,—Your messenger, Mr. Bois, arrived here this afternoon about 6 P.M., having slept at the mouth of the River, and made the passage up the shortest on record, as the saying is, in one day. We heard him firing some time before his appearance, and fully anticipated it was your own approach which he was thus heralding with a grand salute. I cannot tell you how disappointed we were at not finding you in the boat. We have been looking anxiously for you the whole of the past week. We now have made so many observations for latitude, that we are fully prepared to mark out on the ground where the 48th parallel passes; and we only wait for you to come and test the accuracy of them before driving the first stake. Do pray come up and decide this point for us, and for yourself also. Let Pollard's Brook remain open for discussion when we meet; the difference it will make is so small, that it is scarcely worth mentioning.

It will only be a question of a small triangular piece of about four miles West from this, and a base of about three miles, being the distance from this to the mouth of Pollard's Brook at its junction. Nobody can be more anxious than I am to finish this Boundary this season; for me to have to come again from Newfoundland next season would be most inconvenient. To move now to the Redgwick, and to begin *de novo*, would be to throw us back a month nearly; for it has taken us about three weeks already to get established and make the requisite number of observations, to ensure the correct parallel of 48°. It will not, I hope, take me much longer to reach the Redgwick by the parallel of 48th° from this than to go round by the stream, and repeat all that has been necessary to do here.

But in consequence of what you have urged as to Pollard's Brook being the Boundary, I will not cut out the line, but merely make my way through from point to point, or ridge to ridge, as well as I may be able, until I reach the Redgwick River; and by this course, if it be finally decided between us not to extend the line East of Pollard's Brook, but very little expense will have been incurred, and nothing in comparison to moving and repeating the observations on the Redgwick River; in fact, to do so now, would be to ensure the failure of our endeavors and wishes to finish this season.

It is very unfortunate that this difficulty of the Mistoue should have occurred; had it been foreseen, we could have arranged to have commenced first on the Redgwick River; but as owing to circumstances our preliminary meeting at Campbellton was prevented, and as time and the seasons wait for no one, it behoved the first in the field, which was Mr. Botsford, to be moving; and he, not doubting or not expecting any difference, as I confess I did not myself doubt but that the Patapedia was the true Mistoue, moved up the men and provisions to this point.

There is no doubt but that the Mistoue, on the Boundary Map used by the Arbitrators in London, is wrongly laid down, while the after portion, where the parallel strikes it, is tolerably correct,—its course has not been laid down right and its junction with the Ristigouche is placed too far west, but that the Patapedia and Mistoue are the same as laid down in all or nearly all the previous charts, is to me pretty clear. Look at the two Maps I send you, the first by Alphonso Wells, and the second by the Surveyor General of New Brunswick. In both, in lieu of Patapedia the word Mistoue is written, and there is no River of the same magnitude or anything like a River near the place. In Mr. Well's Map Tracy's Brook is closely shewn, but no name attached to it; these two Maps were furnished to Captains Pipon and Henderson from the Colonial Office, when appointed to report on the Boundary Line. They are conclusive to me that the River Patapedia, under the name of Mistoue, has always been meant in the Maps and Reports of Arbitrators and Commissioners, but how much more satisfactory it would be if, instead of writing to each other from a distance, you would come up and discuss the question freely, with the Maps before us, and tell us all about your exploration of Tracy's Brook.

Believe me, yours sincerely,

(Signed,) WM. ROBINSON.

Jos. BOUCHETTE, Esquire,
H. M. Commissioner.

G.

CAMP, MOUNT ELGIN,
13th October, 1854.

My dear Sir,—I have thought myself called upon to acknowledge and answer in the best way I could, your official letter of the 7th September and its enclosures.

I do not expect to convince you by what I have written, but it may help to explain to others the origin and cause of the difference between the Commissioners; as the doubt has been started, I consider it cannot be settled without reference to the Imperial authorities to apply to have the Act amended, and if we can only be unanimous in recommending some one way of doing it, I think the matter can be very easily and satisfactorily settled, and without causing any reference to fresh Arbitrators, or incurring additional expense.

Believe me,

Yours truly,

(Signed,) WM. ROBINSON.

Jos. BOUCHETTE, Esquire,
Commissioner of Boundary.

No. 4.—(A.)**Copy of a Despatch from the Right Honorable the Secretary of State for the Colonies to His Excellency the Governor General.**

(Copy.—No. 28.)

DOWNING STREET, 24th January, 1856.

Sir,—I have to acquaint you that I have received the Report of two of the Commissioners appointed to define and mark the Line of Boundary between the Provinces of Canada and New Brunswick.

As I observe that the Commissioners have furnished you with a duplicate of this Report, I shall defer any proceedings upon it until I am in possession of your views upon the subject.

I have, &c.,

(Signed) H. LABOUCHERE.

Governor Sir EDMUND HEAD, Baronet,
&c., &c., &c.

No. 4.—(B.)**Letter from Joseph Bouchette, Esquire, to the Honorable the Provincial Secretary, enclosing Correspondence between himself and the other Commissioners.**

BOUNDARY OFFICE,

Quebec, 22nd December, 1855.

Sir,—I have the honor, in connection with my letter under date 19th instant, stating, for the information of His Excellency the Governor General, that I had dissented from my colleague Commissioners, appointed to ascertain and define the Boundary Line between Canada and New Brunswick, in regard to the manner of their reporting the Line of Boundary down to River Patapedia, adopted by them, as the Ristigouche to Dalhousie as the Boundary between those Provinces intended under the Imperial Act 14 and 15 Vic. cap. 63, to transmit you herewith enclosed copy of the Correspondence that has taken place between us on the subject of those Islands, together with copy of the Memorandum under date 10th of August last therein referred to.

I have the honor to be, Sir,

Your most obedient humble Servant,

JOS. BOUCHETTE,
H. M. Boundary Commissioner.

The Honorable G. E. CARTIER,
Provincial Secretary.

No. 4.—(B.)—(Continued.)

A.

BOUNDARY OFFICE,

Quebec, 6th December, 1855.

My dear Colonel,—In handing over to you for your perusal and that of Mr. Botsford the exception I have taken to part of the Report relating to the River Patapedia, the draught of which you were so good as to communicate to me, I beg to mention that I have added to the first draught of my exception, on the suggestion of Mr. Botsford, the circumstance of the agreement that occurs between the upper part of the Patapedia River and the delineation on the Map of the Award, exhibiting the line of Boundary to be traced by us, which brought to my mind the proposition contained in my letter to you from (Cheyne's) Ristigouche, under date 31st July, 1854, that of following the West branch of the Patapedia, and not the East branch, if that River were truly ascertained to be the River Mistouche intended as the Boundary or Eastern limit of New Brunswick, requiring nevertheless confirmation by Imperial statute.

In perusing that letter I perceived I had omitted in my exception the objection I had then stated respecting the Seigniorship of Cloridon, and which I have now added under the 10th head to the previous grounds mentioned in the first draught.

I have seriously weighed in my mind your intention to the effect of omitting the name of Mistouche to the words "Tracy's Brook" on the general Map A, obtained from the manuscripts compiled by myself from the most correct authorities, and based upon the most accurate Surveys of the day, with an ultimate purpose of its publication; most cheerfully have I rendered that manuscript open to the use of the Commission as greatly abridging the labour of constructing a new Map. If your Map had not been adopted, which under existing circumstances would have answered better, subject to some alterations in the Geographical projection and the details of one Boundary Survey to have it accord with your Astronomical observations.

Under my present convictions and the positive information of the "actuality" of the River Mistouche being "Tracy's Brook," supported as is the fact established upon unquestionable information ascertained on the Ristigouche, corroborated by the highest official authorities in Canada and New Brunswick, not to mention the Map published by Arrowsmith, in January, 1854, "before we operated in the River" I could not consistently sign that General Map at all.

I would therefore suggest, if no other arrangement can be arrived at, your preparing another general Map at once, which yourself and Mr. Botsford can sign, and I will use those now prepared to accompany the sections of the Mistouche River referred to in my notice of exception.

I beg at the same time to assure you that I will readily accede to any suggestion on your part or that of Mr. Botsford which will obtain the desired end of a joint Report, without compromising in any way the opinion which we separately entertain as to the real Mistouche, while it will render the present general Map useful for the purpose proposed.

With consideration of the highest regard,

I remain, My dear Colonel,
Yours very faithfully,

(Signed,) JOSEPH BOUCHETTE,
H. M. Commissioner Boundary.

LIEUTENANT COLONEL ROBINSON, R.E.,
H. M. Boundary Commissioner.

B.

BOUNDARY OFFICE.

Quebec, December 8th, 1855.

Dear Sir,—We beg leave to acknowledge the receipt of your letter of yesterday, enclosing for our perusal the draft of the list of exceptions which you propose to attach to our general Report, in the event of your signing it.

In reply, we cannot but express our regret at perceiving that the difference of opinion between us, on the subject of the "Mistouche River," is just as wide as it ever has been since the commencement of the controversy some fifteen months or more ago.

We had hoped, and indeed expected from the assurances made to us on our arrival at Quebec in the end of September, there would be no further difficulty opposed to the settlement of this vexed question, than probably a suggestion to amend the Act of Parliament by substituting the word Patapedia for that of Mistouche.

We are sorry to find it otherwise, and as, even in addition to the list of exceptions, you mention your intention not to sign certain of the Sectional Plans nor the General Plan unless the word Mistouche be added to that of Tracy's Brook, and some other plans beside of a River which has not been regularly surveyed. We beg to inform you that we cannot consent to your proposition.

One of the general Plans is now completed, and the other two will be ready for signature by the end of next week. The fair draft to our general Report has been submitted to you, and amended wherever suggested by you, in the hope that you might be able to join with us in signing it.

As it appears you cannot do so consistently with your convictions, we beg leave to acquaint you that as soon as the general Plans are ready it is our intention to sign them and transmit them with our Report, one to the Secretary of State for the Colonies, one to the Governor General of Canada, and the third to the Lieutenant Governor of New Brunswick.

Your suggestion that we should make a fresh set of Plans for ourselves, merely for the sake of your being able to add one word—"Mistouche," we deem to be quite unnecessary, tending to delay and a useless expenditure of public money.

The Plans just finished have been made at the public expense, and are under the sole control of the Commissioners.

As forming the majority of that body, we have to request that you will neither write yourself nor cause to be written on the said general Plans anything without our previous sanction.

We remain, dear Sir,
Yours truly,

(Signed,) WM. ROBINSON, R. E.
Commissioner of Boundary.

A. E. BOTSFORD,
Commissioner of Boundary.

JOSEPH BOUTCHETTE,
Commissioner of Boundary.

C.

BOUNDARY OFFICE,

Quebec, 8th December, 1855.

Sir,—I have the honor to acknowledge the receipt of the joint communication of the Honorable A. E. Botsford and yourself of this date, in returning therewith enclosed the paper I transmitted you yesterday, containing my exception to that part of the Report drawn up by yourself, relating to the River Patapedia, in which communication you are pleased to inform me that you propose availing yourselves of the Maps now prepared, to transmit one copy to the Secretary of State for the Colonies, one copy to the Governor General of Canada, and the third copy to the Lieutenant Governor of New Brunswick.

I take leave also to acknowledge the receipt of your "Ultimatum" to the suggestion contained in my Memorandum (made in view of some unanimous arrangement on the subject of difference between us in reference to the Patapedia), and beg to state that the terms of your proposition, if complied with, would be virtually assuming to myself an authority which would in effect recommend to the Imperial Government the transfer to New Brunswick of a territory lying between the Rivers "Mistouche" and "Patapedia" which actually belongs to Canada,—a power which I deem rests with the Governor General and Legislature of that Province, who may recommend such an amendment in the Act of Parliament 14 and 15 Vic. cap. 63, as may be deemed fit to alter the name of Mistouche to that of Patapedia, as your Ultimatum appears to propose.

In conclusion, I beg to request a special meeting of the Commissioners on Monday, at 11 o'clock (or the next day, if more convenient to yourselves), in order that the subject of difference may be further considered upon the actual information before the Commission of Boundary, and also in reference to the expenses incurred during the preparation of these Maps, which, thus far, have been defrayed by the Canadian Government, through the Board of Public Works, represented by Ol. Fiset, Esquire, Government Agent, who has paid the amount of the pay-lists upon our joint certificate.

I have the honor to be, Sir,

Your most obedient Servant,

(Signed,) JOSEPH BOUCHETTE,
H. M. Boundary Commissioner.

Lieutenant Colonel ROBINSON,
Royal Engineers,
H. M. Boundary Commissioner.

D.

BOUNDARY OFFICE,

Quebec, 10th December, 1855.

Dear Sir,—In reply to your communication of the 8th instant, I beg leave to state, that in the Memorandum I left with you, suggesting a course which I thought might enable you to join your colleagues in signing the General Report and Plans of the Boundary, that there was nothing new, or which had not been proposed by yourself at a former period.

In your letter of the 31st of July, 1854, you proposed to take the West Branch of the "Patapedia," called "Pollard's Brook," as the Boundary, from the point where it was intersected by the 48th parallel, thereby giving up the whole of the territory between the two Rivers which you now state to be out of your power to concede.

This proposition was declined, because we deemed it inconsistent, and had not the power under the Act to substitute a branch for the main River.

Again, on the 10th of August, 1854, you stated, with a view to this or some other arrangement being carried out, that an amendment of the Imperial Act 14 and 15 Vic. cap. 63, was necessary to prevent litigation.

In some of your communications you state the amount of territory between the two Rivers as 60,000 acres. It should be less than 40,000 acres of wild lands.

As the Act of Parliament points out clearly how the expenditure for this service is to be met, it is unnecessary for me to enter into the subject.

Believe me,

Yours very truly,

(Signed,) Wm. ROBINSON,
Lieutenant Colonel Royal Engineers,
H. M. Boundary Commissioner.

JOSEPH BOUCHETTE, Esquire,
Commissioner of Boundary.

E.

BOUNDARY OFFICE,
Quebec, 13th December, 1855.

My Dear Sir,—I beg to acknowledge the receipt of your communication of the 11th instant, in reference to the suggestion contained in your Memorandum, which you state contained nothing new, or which had not been proposed by myself, referring to my letter of the 31st July last, in support of that allegation. If you will have the goodness to read that letter again, you will find that you have omitted to notice the condition which I put upon the adoption of Pollard's Brook as the Boundary, namely:—"If the Patapedia be the River intended by the "Arbitrators, their Map, designating the Line of Boundary, follows the Westerly Branch of that River, whilst the Easterly Branch runs towards the interior of "the Seigniori of Cloridon." And being still under the impression that the mistake which has taken place, either in the position of the River on the Map or in naming the River intended by the Arbitrators, cannot be rectified by the Commissioners until the error is adjusted by competent authority, I cannot take upon myself to "recommend" the adoption of another River not named in the Act of Parliament, although I may consider that River would form, with the Westerly Branch, a suitable Boundary between the Provinces.

It was in that spirit that I suggested to Mr. Botsford, at our temporary camp-meeting at the mouth of the Patapedia, to repair to the Redgwick River, and run thence along the 48th parallel Eastward to the first waters of the Ristigouche, and follow those waters to the Ristigouche, then we should have more effectually complied with the course of action prescribed in the description of the Boundary, viz.: running from the meridional line Eastward "to the Mistouche," instead of

fixing as it were premedately, or without previous enquiry on the premises, upon a River having a name foreign to the Act of Parliament. Indeed, Mr. Botsford has been our Pioneer in first placing his encampment up the Patapedia.

I am still of the same opinion I was when at your Camp on the Patapedia, that in view of some arrangement, if a unanimous Report could be arrived at, that an amendment of the Imperial Act was necessary to prevent litigation, in which you concurred with me.

But you have since thrown, by your decision at the Little Falls, the weight of the "majority" of the Commissioners on this point against any such recommendation of any object which I had entertained hopes of being attained in framing the general Report, instead of the absolute measure of defining the line of Boundary by two Commissioners in lieu of three, as the Commission from the Right Honorable the Secretary of State directs under the Act of Parliament.

From these premises, I question much whether the Line of Boundary, as now marked, would be a legal boundary between the Provinces, unless the three Commissioners concur in a unanimous Report to the Imperial Government.

In view therefore of obtaining unanimity, and not to leave the question of boundary still open to litigation between the Provinces, I have drawn up the herewith mentioned memorandum. In reference to the area between the two Rivers under discussion, the quantum set down at 40,000 acres is perhaps a little over, while the space of territory between the Patapedia and a due North line from the source of the Mistouche, to intersect the 48th parallel, or in continuation of the course of the River due North-west, the true area would not materially differ from the gross quantity I have mentioned.

Believe me, my dear Sir,

Yours very truly,

JOS. BOUCHETTE,

H. M. Boundary Commissioner.

F.

MEMORANDUM.

The undersigned having again perused the draught of the Report of the operations performed by the Commissioners in the demarcation of the line of Boundary between Canada and New Brunswick, with the proposed amendments in reference to their individual opinion as to which of the Rivers under discussion is the true "Mistouche" named in the Act of Parliament 14 & 15 Vic. cap. 63, considers that there would appear to be no further necessity of a particular notice on the general Map to accompany the Report.

At the same time he deems it inseparable to his signing the Report or the Maps, that the grounds upon which he has and still differs from his Colleague Commissioners in regard to the adoption of the River Patapedia for the Boundary as being the River intended in the award of the Arbitrators, which grounds are embodied in the list of exceptions taken by him to that part of the Report concerning the River Patapedia, be recorded in the proceedings of the Commission and referred to in the Appendix, together with the trace of the River Mistouche, called by lumbermen Tracy's Brook, annexed and referred to in those exceptions; also,

hat he begs to suggest that at the foot of the Report itself the following words be inserted:—

“That the undersigned having taken exception to that part of the foregoing Report concerning the River Patapedia, adopted by the majority of the Commissioners as the River Mistouche of the award of the Arbitrators, entered in Appendix () .”

He is of opinion that should the line of Boundary traced along the River Patapedia by his colleague Commissioners obtain the sanction of Her Majesty's Imperial Government, there would nevertheless still appear to be an indispensable necessity to amend the Act of Parliament to substitute the name of Mistouche to that of Patapedia, so as to avoid grounds for future disputes and litigation among the Inhabitants of the frontier part of these Provinces.

JOS. BOUCHETTE,
H. M. Boundary Commissioner.

BOUNDARY OFFICE,
Quebec, 13th December, 1855.

G.

BOUNDARY OFFICE.

Quebec, 15th December, 1855.

My dear Sir,—I have received your communication of the 13th instant, with the memorandum enclosed, on the subject of signing the general Report and Plans, &c.

I have read over again your letter of the 31st of July, and it appears to me nothing can be plainer or stronger than the language in which you proposed to adopt at once “Pollard's Brook” as the boundary, and suggesting the immediate removal of our Camp stores up that stream; even adding that if your views were not concurred in in this respect your presence would not be required, and you would proceed to “Quebec.”

The same proposition was again alluded to in your note of the 10th of August, 1854.

In the Map of the Arbitrators, the parallel of 48° is graphically carried to the main stream and not stopped, as you conceive it to be, at “Pollard's Brook;” and in respect to the East branch, as you term it, running into the interior of the Seigniory of Cloridon, I am not aware of their being any such Seigniory in existence—it was extinguished in 1787. I have submitted your letter of the 13th and the memorandum to our colleague, Mr. Botsford.

We are of opinion that your proposition contained therein is quite inadmissible, and however much we regret not being able to bring our labours of the past three years, and a boundary in dispute for the last seventy years, to a satisfactory termination by a joint and unanimous Report:

Yet we must abide by our determination, as communicated to you in our letter of the 8th of December and accompanying memorandum.

Believe me, my dear Sir,
Yours very truly,

(Signed,) WM. ROBINSON,
Lt. Col. Royal Engineers,
Commissioner of Boundary.

JOS. BOUCHETTE, Esquire,
Commissioner of Boundary.

H.

CHEYNE'S SETTLEMENT, RISTIGOUCHE,

31st July, 1854.

My dear Sir,—I returned from exploring the Mistouche River yesterday afternoon, and came here to replenish our exhausted stores, at the same time to rest myself a few days after the very fatiguing expedition which I undertook, agreeably to the arrangements at our meeting at Patapedia, while Mr Botsford was to accompany Mr. Ramsay, the New Brunswick Surveyor, to run due West by compass along the 48th parallel to the due North line, and note the streams running South.

The result of my exploration, which I am happy to communicate to you and Mr. Botsford, is so far satisfactory that I reached the small Lake at the source of the Mistouche in about latitude $47^{\circ} 54\frac{1}{2}'$, and to effect which I availed myself of a lumber road which the Indians call the Portage, and follows at various distances the East side of the Mistouche, occasionally crossing it, until within two miles of the Lake, then I opened a line keeping the general course of the Valley magnetically North, and struck into another Portage road which brought me with the addition of about one mile of line to another small Lake, its outlet running N.W., which I at first took for the Metis Waters in latitude $47^{\circ} 56'$ nearly longitude by Westing $67^{\circ} 40'$.

From this camp still on the same magnetical North course, to keep the Valley of the stream on my left and to diminish the distance from the St. Croix line, I continued to open the line ascending gradually for about two miles to summit of an eminence overlooking a deep valley on my right, which I presumed was that of the Patapedia, and at the end of three miles came to the edge of a precipitous descent, which from estimation cannot be less than 1200 feet above the level of the stream below, whilst the mountains on the opposite side were still more elevated and rising considerably in a Northerly direction.

The stream, where I intersected it, ran down a swift current a few degrees to the East of due North, was a puzzler indeed, until the men I sent down stream returned and reported the River as Pollard's Branch, as they had reached its mouth in the Patapedia.

I felt curious to ascertain the latitude, but failed in several attempts to observe Polaris at its last elongation, and as well before as after, that situation arising I conceive from the overcharged state of the atmosphere with electricity, as shortly after midnight one of the most terrific storms I recollect of, accompanied with vivid flashes of lightning, suddenly broke over head, the thunder rolling with awful effect for the space of half an hour.

The next day however I had a very good observation of the Sun's meridian altitude, but having left my nautical almanac at my camp at the supposed "Metis," and seeing no necessity of proceeding beyond Pollard's Branch, I returned to the Ristigouche, so as to take up portions of the baggage left at the camps to reduce the burden the men had to carry.

Satisfied at the same time that the main object of my expedition was obtained, namely the exploration of the Mistouche to its source South of the 48th parallel of latitude, and position of Pollard's branch determined.

This is certainly a larger stream than I expected to find, it being nearly a chain wide at upwards of two miles above its mouth, and if the Patapedia be the stream intended for the Boundary by the Arbitrators, their Map designating the line of Boundary follows the West branch of the River, whilst the East branch evidently runs towards the interior of the Seignior of Cloridon, which the spirit of the award never intended should be affected by the line of Boundary it assigns to

both Provinces, manifest by their excluding every part of the Seigniory of Temiscouata in framing the Boundary of New Brunswick.

Now, the suggestion in my note to our friend Mr. Botsford, namely, of proceeding up the Redgwick to the 48th parallel, and running East in that latitude to the intersection of the first waters running South not tributary of the Redgwick, contemplated this result, as we should have intersected Pollard's Branch, as the first waters running South some three or four miles East of the due North line then leaving that River, to be surveyed by Mr. Ramsay, to the point where Mr. Blaiklock terminated his survey of the Patapedia, have returned to the Redgwick, and proceeded to establish the tangent lines described in the award.

Mr. Blaiklock will have reached the Redgwick in a few days, as you will perceive by his note; and until we join him, himself and party must remain unavoidably inactive.

It is my anxious wish to terminate the Boundary Survey this season, if it be at all possible, and am prepared, as far as is in my power, without compromising in the discharge of my duty as Commissioner either the rights or interests of Canada to the territory designated to be awarded to it under the intent of the Imperial Act, to make every allowance for the apparent mistake that has been committed in reference to the Mistouche River.

That River, on the one hand, is well identified, and is situate above Still Water Brook, as laid down on the Map of the Arbitrators and on other official public Maps, having its mouth on the North side of the Ristigouche, about 11 miles above the River Patapedia,—a stream, however, in no way mentioned in the award.

On the other hand, the River Mistouche, it is now ascertained, does not reach the 48th parallel of latitude, and consequently could not have been intersected by a line running easterly on that parallel from the meridian line; but instead of it, a branch of the Patapedia. It appears therefore manifest, that the Arbitrators contemplated making the first waters intersected, flowing South into the Ristigouche, the Boundary, and expected that the Mistouche River would fulfil that condition.

In taking the above view of the subject, it is nevertheless clear, that the West branch of the "Mistouche," in any case, was intended as the Boundary, as graphically laid down on the Map of the Arbitrators, which corresponds with the River I came to, called "Pollard's Brook" by lumbermen. To that stream the 48th parallel of latitude may be run from the Redgwick, whereby, on the score of rigid economy, a saving of six or eight miles of cutting through a mountainous country intervening between your present camp and the intersection of that stream would be effected.

To effect this purpose, on which I hope to hear of your joint concurrence, I would suggest that the stores at your camp be transported by the portage road, which follows along the Pollard branch to the point where Mr. Ramsay will have intersected that River, and that we proceed up the Redgwick, stopping at the Chantier, where Christopher has been obliged, it appears, from the low state of the waters, to leave the stores, and that we muster all the boats, canoes, and men we have to convey the stores to the Upper Forks, where the observations for fixing the latitude may be made with all proper accuracy.

In all probability Mr. Blaiklock and his party will be on the spot. Mr. Botsford might proceed to fix the South-East tangent angle to the highlands separating the waters of the Redgwick from those of the Rimouski, and to start Mr. Blaiklock towards the meridian line, while Mr. Ramsay would be running the 48th parallel Easterly to the Mistouche.

I would suggest the propriety of engaging more men to expedite the work, as

for provisions there will be enough with those brought at the Metis under the direction of Mr. Fiset, who has charge of my Aneroid.

I hope that Mr. Ramsay will have met with him at the St. Croix line, where they were to be joined by our party from the Mistouche.

I have, as you perceive, entered fully into the details of the subject, even at the risk of being prolix; but the matter having occupied my mind, with the injunction from my Government to adopt the most rigid economy in carrying out the service, which refers to time as well as money, I conceive I cannot do better than commit my ideas to paper, for your action, being quite sure Mr. Botsford and yourself entertain the same anxious desire of pushing the service on to a close.

Should, on the other hand, my views not be concurred in, which I will very much regret, inasmuch as in that case my presence would not be required until you had reached the Redgwick, I will immediately proceed to Quebec, leaving you four men who may be re-engaged, as I will settle their wages to the day of my departure. Mr. Blaiklock will of course be open to receive any instructions from yourself or Mr. Botsford to employ the party now with him or discharge them, subject to be re-engaged by Mr. Botsford.

Mr. Bois will remain in charge of the Chronometer, instruments, and baggage at the Camp where the stores are.

I must close in earnest for I would fairly exhaust your patience out, thanking you sincerely for the use of Ramsay's Sextant, which has proved of eminent service to me, more especially since a few days that the Sun's Meridian altitude can be taken with it.

With kindest regards to Mr. Botsford, to whom you will please communicate this letter.

Believe me, my dear Major,
Yours sincerely,

JOS. BOUCHETTE.

Major Wm. ROBINSON,
Commissioner of Boundary.

I.

MEMORANDUM.

Agreeably to the first section of the Imperial Act 14 and 15 Vic., cap. 63, it is enacted that the line of separation between the Provinces of Canada and New Brunswick shall be ascertained, defined, and marked by one or more persons, to be appointed by the Secretary of State for the Colonies, according to the intent of the award of the Arbitrators mentioned in the said Act.

The said award describes and defines that the Province of New Brunswick shall be bounded by a line beginning at Beau Lake, at a point distinguished as point A, on a certain plan referred to in the said award: thence Easterly to a point one mile due South from the Southern extremity of Long Lake: thence to the South-east angle of the Seigneurie of Temiscouata: thence to the Eastern angle thereof: thence due North to a line to be drawn East and West, tangent to the highlands dividing the waters of the River St. John from those of the Rimouski: thence due North, tangent to the highlands dividing the waters of the Rimouski from those of the Ristigouche, to the 48th degree of North latitude: thence along

that parallel to the River Mistouche (or Mistoue on the Plan): thence down the middle of the stream of that River to its entrance in the River Ristigouche: thence down the middle of the stream of Ristigouche to the Bay of Chaleur, the Islands of the said River Mistoue and River Ristigouche belonging to New Brunswick.

The Line of Boundary above described in express terms, constitutes the Northern limit of the Province of New Brunswick, and by implication the Southern limit of the Province of Canada; wherefore the waters, as well as all the Islands in the River Ristigouche or Mistoue, in whole or in part lying on the North side of the said line of boundary, would, in the opinion of the undersigned, be situated within the jurisdiction of the Province of Canada, and therefore subject in whole or in part, as such Boundary Line would intersect them, to the laws of Canada.

The subject is brought by the undersigned under the notice of the Commissioners, appointed under the Imperial Act, now assembled to define the line of Boundary between the aforesaid Province in its whole extent, in order that any difference of opinion that might arise between them on this head may receive all the deliberation possible, and furthermore to take into consideration the grounds of the final Report of the Commissioners to Her Majesty's Government in reference to the River portion of the Boundary between Canada and New Brunswick aforesaid.

From the misunderstanding that appears already to prevail among the inhabitants of the opposite shores of the Ristigouche, inasmuch as those residing on the New Brunswick shore appear to assume that all the waters of the Ristigouche belong exclusively to that Province, which is denied and opposed by those residing on the Canada shore of that River; the undersigned deems it of importance and of most urgent necessity that some decision should be arrived at on the subject by the Commissioners, in order that at an early moment after the Report of the Commissioners shall have received the sanction and approval of their respective Governments the Royal Proclamation may set at rest this state of discord and misunderstanding in both the Provinces of Canada and New Brunswick.

The undersigned begs to avail himself of the present occasion to inform his colleague Commissioners that he has not yet received intelligence from his Government of any action having been taken by the Governor General in Council on the Report the undersigned had the honor of submitting on the subject of the difference of opinion that has arisen between the majority of the Commissioners and himself, relative to the River Mistouche, further than a letter from the Honorable G. E. Cartier, Provincial Secretary, acknowledging the receipt of the Report and the documents accompanying it, by order of His Excellency Sir Edmund Head.

JOS. BOUCHETTE,
Commissioner for Canada.

TANGENT LINE,
10th August, 1855.

K.

BOUNDARY OFFICE,
Quebec, December 17th, 1855.

My dear Sir,—I beg to acknowledge the receipt of your communication of the 15th instant, conveying the opinion of Mr. Botsford and yourself in regard to the

Memorandum enclosed to you with my letter of the 13th instant. That the proposition therein contained is quite inadmissible however that you regret not being able to bring our labours of the last three years, and a Boundary in dispute for the last years, to be satisfactorily terminated by a joint and unanimous Report.

I fully participate with Mr. Botsford and yourself in the expressions of regret you convey. Permit me, at the same time, to remark, that the failure seems to resolve itself into a refusal on your part to admit the exception I have taken in signing the Report and Documents to be recorded with the proceedings of the Commission.

You certainly appear to dwell upon my communication of the 31st July, 1854, containing a suggestion in respect to Pollard's Brook, which indeed, if my colleagues had concurred in at once, would have enabled us to prefer now a joint Report, under the circumstance of the mistakes admitted in both the Map and the letter of the award of the Arbitrators,—such a Report of the facts ascertained from the actual Survey along the 48th parallel of latitude eastward to the first waters of the Ristigouche as would, I am quite sure, have met the approval of the Governments of Canada and New Brunswick; but those suggestions became nullified under my letter of the 10th August, after my visit to you at your camp on the Patapédia.

I now take leave to state, that the course of duty which now remains to me is to report to the Secretary of State for the Colonies my dissent from part of the Report of my colleagues, and to transmit therewith copy of my exceptions, memoranda, and correspondence that have arisen out of the difference of opinion between us on the subject of the true Mistouche River of the award of the Arbitrators.

I avail myself of the present and last correspondence on the Mistouche, to call your attention to the memoranda I communicated to Mr. Botsford, and which I left with you under date 10th August last, in reference to the Islands in the River Ristigouche, lying North of the middle line down the stream of the River Ristigouche, and intersected by that middle line, as it is important that a definitive opinion should be given on the subject, for the future action of the Executive Governments of Canada and New Brunswick in reference to the jurisdiction of those Islands.

The matter seems to demand from us mature deliberation, in case of any difference of opinion as to the intentions of the Imperial Act, in giving all the Islands in the Rivers forming the Boundary indicated on the Map to the Province of New Brunswick.

With the highest consideration,

I remain, my dear Sir,

Yours truly, &c.,

(Signed,) JOS. BOUCHETTE,
H. M. Boundary Commissioner.

Lieutenant Colonel ROBINSON,
Royal Engineers,
H. M. Boundary Commissioner,

L.

BOUNDARY OFFICE,

Quebec, 18th December, 1855.

My dear Sir,—In reply to your letter of yesterday's date, I beg leave to state that our objection was not to your list of exceptions being recorded in our proceedings, but to their accompanying and forming part of our final Report.

With reference to the Islands in the Rivers "Mistouche" and "Ristigouche," my opinion is that the boundary should follow the centre of the stream between them and the Canada shore. By so doing, the whole of the Islands will be included within the boundary of New Brunswick, and of course subject to her jurisdiction.

I remain, my dear Sir,
Yours very truly,

WM. ROBINSON,
Lt. Col. Royal Engineers,
Commissioner of Boundary.

To Jos. BOUCHETTE, Esquire,
Commissioner of Boundary.

M.

BOUNDARY OFFICE,

Quebec, December 18th, 1855.

Dear Sir,—With reference to your memorandum, dated 10th August, to which you called the attention of Colonel Robinson and myself yesterday.

I have to observe, that in quoting the Act of Parliament you have not used the exact words, having substituted "middle" of the stream for "centre," and the word "belonging" in the place of "being given."

The terms of the award mentioned in the Act of Parliament are so clear and express, and the River Boundary between the two Provinces is so plainly defined, I am of the opinion that no conflict of jurisdiction can arise as to the Islands in the Rivers Mistouche and Ristigouche, inasmuch as the Boundary Line through the above mentioned Rivers is unquestionably to be drawn down the centre of that portion of the several streams of each which run between the said Islands thus given to New Brunswick, and the Northern banks of the said River belonging to Canada. As regards the misunderstanding, said already to have arisen, between the inhabitants residing on different sides of the Ristigouche River, to which you advert in your memorandum, I am not aware how any action proposed to be taken by the Commissioners of Boundary within the limits of their powers could prevent it.

Besides, as by the laws of the land, any British subject has a right to the free navigation of those Rivers; it is difficult to imagine how such claims as those to which you refer can lead to any practical evil.

I have the honor to remain yours,

A. E. BOTSFORD,
Commissioner of Boundary.

Jos. BOUCHETTE, Esquire,
Commissioner of Boundary.

No. 5.

Letter from A. E. Botsford, Esquire, to Joseph Bouchette, Esquire.

QUEBEC, 21st December, 1855.

My dear Sir,—I received your communication of to-day after Colonel Robinson had left Quebec, having closed our proceedings as Commissioners of Boundary.

As I have previously expressed to you in my letter of the 18th instant my opinion of the course in which the Boundary line was intended by the Arbitrators to be defined through the Rivers Mistouche and Ristigouche, I do not deem it necessary to enter into any further argument on the subject, you will permit me to add however, that I cannot conceive how any other line of Boundary can possibly be drawn down these Rivers, which would give the Islands to New Brunswick in the terms of the Act of Parliament, than the one adopted by Colonel Robinson and myself. To have followed the course which you suggest would place the Islands thus given to New Brunswick in a very anomalous position, which never could have been the intention of the Arbitrators.

I have to observe with respect to the alterations made by the concurrent direction of Colonel Robinson and myself, in the Sections accompanying our Report, without first consulting with you on the subject, that those alterations were not made by us until you had positively refused to join us in our Report; and as I had in the first place yielded my opinion (I have reason to believe Colonel Robinson did the same) in deference to your views as to the manner in which the River portion of the Boundary should be established, in the earnest hope that it would lead to a unanimous Report, feeling that if each Commissioner pertinaciously adhered to his own opinions there was not much chance of a satisfactory termination of our labours.

Finding however that you not only declined to join us in our Report, but that if your objections were sustained it would have the effect of setting it aside altogether, it was surely not unreasonable in this stage of the proceedings, being alone responsible for our Report, that we should make it to conform with our original views, and which we always deemed to be strictly within the meaning and intent of the Arbitrators, without consulting you, whose object seemed to be in the latter period of our work to change a portion of the Boundary which we had defined and marked, instead of confining your objections to a suggestion previously made by yourself, that an Act of Parliament should be applied for to confirm it and rectify the imperfection which in your opinion existed in the first Act.

I should regret after three years in which we have been associated together in the performance of a difficult duty, that at its close you should be under the impression that Colonel Robinson and myself "were not justified" in requesting that you would not add any thing to the general Map without our previous sanction, you will recollect that it was in consequence of your demand that the words "River Mistouche" should be written upon Tracy's Brook on the general Map; and in answer to your communication of the 6th instant, stating that if this was not complied with "you could not consistently sign," that we made that request. At this time such a wide difference existed between your opinions and those of Colonel Robinson and myself, it was very clear that we should not agree in our final Report, and it was equally evident that if one Commissioner assumed the right to give directions to the Draughtsmen in compiling the Maps without the concurrence of a majority, that no result could have been arrived at.

It was under these circumstances that Colonel Robinson and myself deemed it necessary to make the request to which you object, and not with any desire to assume an individual authority in the matter.

I have the honor to remain,
Yours, &c.,

(Signed,) A. E. BOTSFORD,
Commissioner of Boundary.

No. 6.

Letter from Joseph Bouchette, Esquire, to the Honorable A. E. Botsford.

QUEBEC, 21st December, 1855.

My Dear Sir,—I beg to acknowledge the receipt of your letter of the 18th instant, in reference to the Memorandum handed to you on the tangent line, under date 10th August last, in reference to the Line of Boundary down the Mistouche and Ristigouche Rivers.

When I drew up the Memorandum, I had not by me the Act of Parliament, and I stated from memory the general outline of the award; and I find, in reference to the Act, your remark quite correct.

The circumstance does not, however, alter my view, while it strengthens the interpretation I apply to the distinct words,—“The Islands being given, &c.,” after describing the Line of Boundary

“Down the centre of the stream of the River Mistouche to the Ristigouche; thence down the centre of the stream of the Ristigouche to its mouth in the Bay of Chaleurs; thence through the middle of that Bay to the Gulf of St. Lawrence; the Islands in the said Rivers Mistouche and Ristigouche to the mouth of the latter River at Dalhousie, being given to New Brunswick.”

My opinion as to the mode of carrying out the intention of the award in defining the Line of Boundary along these Rivers, and conforming at the same time with the Map referred to in the award of the Arbitrators, corresponding precisely with the manner in which that line was drawn on our sectional Plans, exhibiting the Line of Boundary, as intended to be reported by us to Her Majesty's Imperial Government, I limited the objections I raised exclusively to that part of the Report relating to the River Patapedia.

Upon being officially apprised by Lieutenant Colonel Robinson, that the Line of Boundary laid down on the sectional Maps, as they were prepared for signature, was being altered so as to carry the Line of Boundary North of all the Islands in the Ristigouche, giving thereby the control of the waters in that River to New Brunswick, I objected to the step taken by you and Lieutenant Colonel Robinson; and I now take leave to remark, that in my opinion you were not justified in making those alterations without first consulting with me upon your views of laying down the River Line of Boundary, no more than prohibiting in your letter of the 8th instant any attempt on my part to add anything to the General Map.

As the Report and the accompanying Maps are now presented by you to Her Majesty's Secretary of State, they contain two-fold subjects of objection, namely,

that relating to the Patapedia for the reasons stated in my exceptions and our correspondence, and since that objection to another in respect to the waters of the Mistouche and Ristigouche, which I hold, under the intent of the award of the Arbitrators, should fall in equal parts to Canada on the North side and to New Brunswick on the South side of a line drawn down the centre of the stream of the Mistouche and Ristigouche, admeasured and laid off at one half the breadth of those Rivers.

Inasmuch as the subject of further dissent from your Report has been communicated to His Excellency the Governor General, I will take the earliest moment upon my arrival at Toronto, of acquainting the Secretary of State with the subject of difference between us on the above mentioned points.

With the highest consideration,
I remain, my dear Sir,
Your humble obedient Servant,

(Signed,) JOS. BOUCHETTE,
H. M. Commissioner.

To the Honorable A. E. BOTSFORD,
H. M. Commissioner.

No. 7.

Letter from Joseph Bouchette, Esquire, to the Honorable A. E. Botsford.

QUEBEC, 22nd December, 1855.

My dear Sir,—I am favored with your communication under date 21st instant, received this afternoon, in reply to my communication of yesterday, and as I am desirous to have our differences—which no one more than myself deeply regrets—fairly stated; permit me to observe, in reference to the last paragraph of your letter, that my desire to have the word Mistouche inserted on the general Map, over the word “Tracy’s Brook,” was proposed in a full meeting of the Commissioners, which desire you declined to comply with, as also Colonel Robinson, and I would not have taken upon myself to direct any draughtsman to alter or change anything which had relation to the subject of difference between us. I beg to observe that you labour under a misapprehension in this matter.

The several errors of delineation, which I noticed on the general Map, I endeavoured to have rectified as much as time would permit, until the moment that the circumstance of our difference rendered unnecessary any attention on my part to the preparation of the Documents intended to accompany your Report.

I think it right to make these remarks, as your letter was calculated to convey an impression that I had attempted to change anything on the Map without first apprising you or Colonel Robinson, that proposition having been made by me to you immediately after the interrogatories submitted to Mr. Blaiklock.

I will, at your desire, add copy of your communication to the correspondence that has taken place, in reference to the Boundary Line, down the Rivers Mistouche and Ristigouche, relative to the Islands in those Rivers.

I remain, my dear Sir,

Yours very truly,

(Signed,) JOS. BOUCHETTE.

Honorable A. E. BOTSFORD,
H. M. Commissioner.

No. 8.

Letter of Joseph Bouchette, Esquire, to the Honorable the Provincial Secretary, transmitting Correspondence.

BOUNDARY OFFICE,
Quebec, 19th December, 1855.

Sir,—I have the honor to state, for the information of His Excellency the Governor General, that I have deemed it my duty, as one of the Commissioners appointed by Her Majesty's Principal Secretary of State for the Colonies, by commission bearing date Downing Street, 2nd August, 1852, under the authority of the Imperial Act 14 and 15 Vic. cap. 63, to ascertain, define, and mark the Line of Boundary between the Provinces of Canada and New Brunswick, to dissent from the Report of my colleague Commissioners as relates to that part of the Report which adopts as the Line of Boundary between the said Provinces the River Patapedia or Patamaga River, no way mentioned in the Act of Parliament, and situate $11\frac{1}{2}$ miles below and East of the River Mistouche, described in the award of the Arbitrators, and indicated on the Map referred to in the said Act of Parliament as the Boundary between Canada and New Brunswick.

As I proceed forthwith to Toronto, I will, on my arrival, take the earliest moment of laying before His Excellency copy of my Report to the Right Honorable Secretary of State for the Colonies, together with the Documents accompanying the same, consisting more especially of the exceptions, memoranda, and correspondence connected with the subject of dissent from the Report signed by my colleague Commissioners; at the same time, to receive from His Excellency any instructions or directions as he may deem fit under the circumstances of the case.

All which is nevertheless respectfully submitted.

I have the honor to be, Sir,

Your obedient and humble Servant,

JOS. BOUCHETTE,
H. M. Commissioner.

Honorable G. E. CARTIER,
Provincial Secretary.

No. 8.—(Continued.)

A.

CORRESPONDENCE to accompany the Letter of Joseph Bouchette, Esquire, to the Honorable G. E. Cartier, Provincial Secretary, dated 19th December, 1855, relative to the Report of the Commissioners appointed to ascertain, define, and mark the line of Boundary between Canada and New Brunswick, under the Imperial Act 14 & 15 Vic. Cap. 63.

BOUNDARY OFFICE,
Quebec, 6th December, 1855.

My dear Sir,—In handing over to you for your perusal and that of Mr. Botsford, the exception I have taken to part of the Report relating to the River Patapedia, the draft of which you were so good as to communicate to me, I beg to mention that I have added to the first draught of my exception, on the suggestion of Mr. Botsford, the circumstance of the agreement that occurs between the upper part of the Patapedia River and the delineation on the Map of the award, exhibiting the line of Boundary to be traced, which brought to my mind the proposition contained in my letter to you from (Cheyne's) Ristigouche, under date 31st July, 1854, that of following the West branch of the Patapedia, and not the East branch, if that River were truly ascertained to be the River Mistouche intended as the Boundary or Eastern limit of New Brunswick, requiring nevertheless confirmation by Imperial Statute.

In perusing that letter I perceived I had omitted in my exception the objection I had then started respecting the Seigniorship of Cloridon, which I have now added under the 10th head to the previous grounds mentioned in the first draughting. I have seriously weighed in my mind the proposition to the effect of omitting the name of Mistouche to the word Tracy's Brook on the general Map; a Map obtained from the manuscript compiled by myself upon the most correct authorities, and based upon the most accurate surveys of the day, with an ultimate purpose of its publication, most cheerfully have I rendered that manuscript open to the use of the Commissioners, as greatly abridging the labour of constructing a new Map, if your Map had not been adopted, which under existing circumstances would have answered better, subject to some alterations in the geographical projection and the details of our Boundary Survey, to have it accord with your astronomical observations; under my present convictions and the positive information of the "actuality" of the River Mistouche being Tracy's Brook, supported as the fact is by unquestionable information on the Ristigouche, corroborated by the highest official authorities in Canada and New Brunswick, not to mention the Map published by Arrowsmith in January 1854, before we operated on the River. I could not consistently sign that general Map. I would therefore suggest your preparing another general Map at once, which yourself and Mr. Botsford may sign, and I will use that now prepared to accompany the sections of the Mistouche River, referred to in my exceptions.

With considerations of the highest regard,

I remain, my dear Sir,

Yours very faithfully,

JOS. BOUCHETTE,
Commissoner for Canada.

Lieutenant Colonel ROBINSON, R. E.,
H. M. Commissioner.

Exception to part of the above Report, taken by Joseph Bouchette, Esquire, one of Her Majesty's Commissioners, appointed under the Imperial Act 14 & 15 Vic., cap. 63.

The undersigned, in signing the foregoing Report to Her Majesty's Imperial Government, and the Maps accompanying the same exceptions, Nos. 13, 14, and 15, as respects the proceedings and operations by his colleague Commissioners and himself, in the survey and demarcation of the Line of Boundary between the Provinces of Canada and New Brunswick, in virtue of the Imperial Act 14 and 15 Vic., cap. 63, under which they were appointed in 1853 by the Right Honorable Sir George Packington, then the Secretary of State for the Colonies, considers it, until the decision of Her Majesty's Imperial Government, his imperative duty to take exception to that part of the foregoing Report relating to the Line of Boundary traced along the River Patapedia, which River the majority of the Commissioners considers to be the River Mistouche of the award of the Arbitrators, and as best fulfilling the intent of the said award.

The undersigned thus dissents from his colleague Commissioners against the adoption of the said River Patapedia as part of the Boundary between the Provinces aforesaid, on the grounds and for the reasons set forth at the meeting of the Commissioners, and furthermore enumerated in the correspondence that has taken place on the subject of the difference of opinion between himself and the majority of the Commissioners, contained in the accompanying Appendix in letter, the purport and substance of which may be briefly stated as follows:—

1st. That the River Patapedia, called by lumbermen "Patapaja," or "Patamaga," is not mentioned or in any wise named or alluded to in the Act of Parliament above cited.

2ndly. That the River Mistouche in the award of the Arbitrators, and named Mistoue on the Map aforesaid, has its entrance into the River Ristigouche from the North, in the precise part of the Ristigouche represented on the said Map, situate above a remarkable bend of the Ristigouche, where Still Water Brook has its entrance on the South side of the Ristigouche, agreeing exactly in its geographical position with the said Map; and that this point of junction of the said River Mistouche or Mistoue, called by lumbermen "Tracy's Brook," with the said Ristigouche, forms the Eastern limit of the Province of New Brunswick on the said River Ristigouche, pursuant to the said Act of the Imperial Parliament.

3rdly. That the said River Mistouche or Mistoue, according to an exploration of its course by the undersigned and party, in canoes, for nearly fifteen miles, and following its source, was ascertained not to reach the 48th parallel by upwards of five miles, rendering it manifest that there was error of information before the majority of the Arbitrators in framing the said award.

4thly. That the River Patapedia, which derives its name from "Brulé" a Micmac, or Indian term, signifying "burnt land," borne out by the aspect of the country in the upper part of the River, has its mouth several miles to the Eastward and below this remarkable bend of the Ristigouche; and although the upper section of the said River, where it throws off a large branch on the West side, called Pollard's Brook, and resembles the delineation of the Boundary stream laid down on the said Map, still it differs in its most essential physical feature in regard to the position of the mouth of the Patapedia: the adoption of which River as the Boundary would cut off from Canada over $11\frac{1}{2}$ miles of frontage on the River Ristigouche now and heretofore in the possession of that Province.

5thly. That the said River Patapedia not being named in the award, if that stream were nevertheless truly the River intended by them to form part of the Provincial Boundary, in which case the West branch of that River, to accord with the delineation on the Map, should in strictness have been followed by the majority of the Commissioners, and not the East branch, the errors of description in the Act of Parliament are two-fold:—1st, In misnaming the Rivers intended as the Eastern limit of New Brunswick; and 2ndly, of delineation, in placing on the Map the mouth of the River intended as the limit aforesaid $11\frac{1}{2}$ miles higher up the stream of the Ristigouche than it really is.

6thly. That in either case, whether as regards the River Mistouche, called on the River by lumbermen "Tracy's Brook," and so distinguished on official and public Maps, or the River Patapedia, (familiarily called Patamaga.) The Plan referred to in the Act of Parliament, and which was evidently designed to serve as guide in ascertaining and defining the Line of Boundary agreeably to the intent of the said award, erroneously designates the position of the mouth of the River at its confluence with the Ristigouche.

7thly. That in the opinion of the undersigned, the Commissioners appointed under the Act of Parliament, or a majority of them, cannot take upon themselves to correct those errors, or with the evidence before them of such errors, as well in the designation and delineation of the Line of Boundary laid down as the conterminus limit between the Provinces aforesaid, in the award of the Arbitrators, to determine upon a Line of Boundary different from the one pointed out in the Act, whilst the Act of Parliament itself contains no provision against the contingency of any disagreement, if more than one person were appointed, under the 1st section of that Statute.

8thly. That the indisputable fact of a "River Mistouche" discharging itself into the River Ristigouche, as the Map referred to distinctly points out, along which the red shade designates the intended Line of Boundary, fixes the limit between the Provinces named in the Act of Parliament on the Northerly Bank of the said River Ristigouche; and therefore to establish another limit, because the said River Mistouche, under the appellation of Tracy's Brook, is deemed an insignificant stream, or that it does not attain the 48th parallel of latitude, obviously, in the opinion of the undersigned, constitutes an encroachment on the territory of Canada, lying within the jurisdiction of Canada, until otherwise limited by Imperial Statute.

9thly. That the circumstances of applying the name of "Mistouche" to the River Patapedia, and the adoption of the latter River as the River of the intent of the award of the Arbitrators' Rivers, anciently as well as presently known as having separate entrances into the Ristigouche, and designated on official documents in both Provinces, with precision in that respect if not in their relative magnitude, cannot but tend to mislead the inhabitants of both Provinces, and give rise to litigation and disputes among lumbermen especially, until the Act of Parliament 14 & 15 Vic. cap. 63, be so amended as to remove all doubt as to

which of the Rivers aforesaid, under their respective acknowledged names, is hereafter to form the line of Boundary between Canada and New Brunswick.

10thly. That it appears evident upon perusal of the papers laid before the Imperial Parliament, relative to the settlement of the disputed Boundary between the Provinces of Canada and New Brunswick, it was not the intention of the Arbitrators in framing their award to include within New Brunswick any part of the Seigniorial grants of Lower Canada. That inasmuch as the Seignior of Cloridon, situate on the River Ristigouche and forming part of the public domain of the Province of Canada, as having been acquired in 1784 by private purchase from the Heirs "Deneau," under the exercise of the "Droit de Retrait," vested in the Crown, has a frontage of eight leagues, perpendicular breadth, on the River Ristigouche, above the River Porepic, and would comprehend the River Patapedia in whole or in part within its limits, the adoption of that River as the River Mistouche of the award of the Arbitrators would trench upon the Seigniorial grant aforesaid, contrary to the intent of the award of the Arbitrators.

11th. That the undersigned, therefore, has the honor to report for the information of the Right Honorable the Secretary of State for the Colonies, and of the Executive Governments respectively of Canada and New Brunswick, that in November 1854, in the presence of (Mr. Fraser and Lazaire Ouellet) the undersigned, being at the large Iron Monument erected by the majority of the Commissioners, planted at the foot of the said monument, bearing the name of the undersigned Commissioner, a square post, on which he inscribed as follows:—

"This Monument, erected without my co-operation, to be a boundary when the Queen's pleasure is known by Act of Parliament."

The undersigned, in referring to the Plans of the exploring Survey of the River Mistouche, hereunto annexed, takes occasion to respectfully call the attention of the Right Honorable Secretary of State to the subject of difference mentioned in the Report for such action thereon as Her Majesty's Government may please to direct.

(Signed,) JOS. BOUCHETTE.
H. M. Commissioner.

BOUNDARY OFFICE,
Quebec, 6th December, 1855.

B.

BOUNDARY OFFICE,
Quebec, 6th December, 1855.

Dear Sir,—We beg leave to acknowledge the receipt of your letter of yesterday, enclosing for our perusal the draught of the list of exceptions which you propose to attach to our general Report, in the event of your signing it.

In reply, we cannot but express our regret at perceiving that the difference of opinion between us on the subject of the Mistouche River is just as wide now as it ever has been since the commencement of the controversy, some fifteen months or more ago.

We had hoped, and indeed expected, from the assurances made to us on our arrival at Quebec, in the end of September last, that there would be no further difficulty opposed to the settlement of this vexed question, than probably a suggestion to amend the Act of Parliament by substituting the word Patapedia for that of Mistouche.

We are sorry to find it otherwise, and as, even in addition to the list of exceptions, you mention your intention not to sign certain of the sectional Plans nor the general Plan unless the word *Mistouche* be added to that of *Tracy's Brook*, and to send some other Plans besides of a River which has not been regularly surveyed; we beg to inform you that we cannot consent to your proposition.

One of the general Maps is now completed, and the other two will be ready for signature by the end of next week.

The fair draught of our general Report has been submitted to you and amended whenever suggested by you, in the hope that you might be able to join with us in signing it.

As it appears you cannot do so consistently with your convictions, we beg to acquaint you that as soon as the general Plans are ready it is our intention to sign them and to transmit them with our Reports, one to the Secretary of State for the Colonies, one to the Governor General of Canada, and the third to the Lieutenant Governor of New Brunswick.

Your suggestion that we should make a fresh set of Plans for ourselves, merely for the sake of your being able to add the one word "*Mistouche*" to those prepared, we deem to be quite unnecessary, tending to delay, and a useless expenditure of public money.

The Plans just finished have been made at the public expense, and are under the sole control of the Commissioners.

As forming the majority of that body we have to request that you will neither write yourself nor cause to be written on the said general Plans any thing without our previous sanction.

We remain, Dear Sir,
Yours very truly,

(Signed,) WM. ROBINSON,
Lt. Col. Royal Engineers, H.M. By. Com.

(Signed,) A. E. BOTSFORD,
H.M. By. Com.

Jos. BOUCHETTE, Esquire,
H. M. Commissioner.

—
(A true Copy.)

(Signed,) J. BOUCHETTE.

C.

BOUNDARY OFFICE,
7th December, 1855.

Memorandum for Lieutenant Colonel Robinson and Mr. Botsford:—

An idea has just struck me, viz., to insert no name over the River "*contended*" on the Map, but to give it a strong edge, and say in a reference:—

“The stream colored represents the River Mistouche or Tracy’s Brook, considered by the undersigned Commissioner to be the true Mistouche of the award of the Arbitrators, as located on the Ristigouche, respecting which he has taken exception in the joint Report referred to in the heading of this Map.”

(Signed,) JOS. BOUCHETTE,
Commissioner.

D.

MEMORANDUM, 8th December, 1855.

ULTIMATUM.

This Boundary Dispute is now more than 70 years old. Time to be concluded.

We are willing (unanimity being most desirable) to permit you, after signing the General Report, to add a sentence or two, to the effect that you consider it will be necessary to amend the Act of Parliament by substituting the word “Patapedia” for that of “Mistouche.”

We will then add the following, and sign it:—

“We have no objection to offer to the above suggestion.”

(Not Signed.)

E.

BOUNDARY OFFICE,

Quebec, 11th December, 1855.

Dear Sir,—In reply to your communication of the 8th instant, I beg leave to state, that in the Memorandum I left with you, suggesting a course which I thought might enable you to join your colleagues in signing the General Report and Plans of the Boundary, that there was in it nothing new or which had not been proposed by yourself at a former period.

In your letter to me of the 31st July, 1854, you yourself proposed to take the West branch of the Patapedia, called Pollard’s Brook, as the Boundary, from the point where it was intersected by the 48th parallel, thereby giving up the whole of the territory between the two Rivers, which you now state to be out of your power to concede.

This proposition was declined, because we deemed it inconsistent, and had not the power under the Act to substitute a branch of the main River.

Again, on the 10th August, 1854, you stated your opinion with a view to this or some other arrangements being carried out, that an amendment of the Imperial Act 14 and 15 Vic. cap. 63, was necessary to prevent litigation.

In some of your communications, you state the amount of territory between the two Rivers as 60,000 acres; it should be less than 40,000 acres of wild lands.

As the Act of Parliament points out clearly how the expenditure for the service is to be made, it is unnecessary for me to enter into the subject.

Believe me,

Yours very truly,

(Signed,) Wm. ROBINSON,
Lieutenant Colonel, Royal Engineers,
H. M. Commissioner of Boundary.

Jos. BOUCHETTE, Esquire,
H. M. Commissioner of Boundary.

F.

QUEBEC, 13th December, 1855.

MEMORANDA.

The undersigned having again perused the draught of the Report of the operations performed by the Commissioners in the demarcation of the line of Boundary between Canada and New Brunswick, with the proposed amendments in reference to their individual opinion as to which of the Rivers under discussion is the true "Mistouche" named in the Act of Parliament, 14 & 15 Vic. cap. 63, considers that there would appear to be no further necessity of a particular notice on the general Map to accompany the Report.

At the same time he deems it inseparable to his signing the Report or the Maps, that the grounds upon which he has and still differs from his colleague Commissioners in regard to the adoption of the River Patapedia for the Boundary as being the River intended in the award of the Arbitrators, which grounds are embodied in the list of exceptions taken by him to that part of the Report concerning the River Patapedia be recorded in the proceedings of the Commission, and referred to in the Appendix, together with the trace of the River Mistouche, called by lumbermen Tracy's Brook, annexed and referred to in those exceptions, also that he begs to suggest that at the foot of the Report itself, the following words be inserted:—

"That the undersigned, having taken exception to that part of the foregoing Report concerning the River Patapedia, adopted by the majority of the Commissioners as the River Mistouche of the award of the Arbitrators, entered in Appendix (—), he is of opinion that should be the Line of Boundary traced along the River Patapedia, by his colleague Commissioners, obtain the sanction of H. M. Imperial Government, there would nevertheless still appear to be an indispensable necessity to amend the Act of Parliament, to substitute the name of Patapedia to that of Mistouche, so as to avoid grounds for future disputes and litigation among the inhabitants of the frontier part of these Provinces."

(Signed,) JOS. BOUCHETTE,
H. M. Commissioner.

Lieutenant Colonel ROBINSON,
H. M. Commissioner.

G.

BOUNDARY OFFICE,

Quebec, 13th December, 1855.

My Dear Sir,—I beg to acknowledge the receipt of your communication of the 11th instant, in reference to the suggestion contained in your Memorandum, which you state contained nothing new or which had not been proposed by myself, referring to my letter of the 31st July last, in support of that allegation.

If you will have the goodness to read that letter again, you will find that you have omitted to notice the condition which I put upon the adoption of Pollard's Brook as the Boundary, viz.:—If the Patapedia be the River intended by the Arbitrators, their Map, designating the Line of Boundary, follows the Westerly branch of that River, whilst the Easterly branch runs towards the interior of the Seignior of "Cloridon;" and being still under the impression that the mistake which has taken place, either in the position of the River on the Map, or in naming the River intended by the Arbitrators, cannot be rectified by the Commissioners, until the error is adjusted by competent authority, I cannot take upon myself to "recommend" the adoption of another River, not named in the Act of Parliament, although I may consider that River would form, with the Westerly branch, a suitable Boundary between the Provinces.

It was in that spirit that I suggested to Mr. Botsford, at our temporary camp meeting at the mouth of the Patapedia, to repair to the Redgwick River, and run thence along to the 48th parallel Eastward, to the first waters of the Ristigouche, and follow those waters to the Ristigouche; then we should have more effectually complied with the course of action prescribed in the description of the Boundary, viz., running from the meridional line Eastward "to the Mistouche," instead of fixing as it were premeditatedly or without previous enquiry on the premises upon a River having a name foreign to the Act of Parliament. Indeed, Mr. Botsford has been our pioneer in first placing his encampment up the Patapedia.

I am still of the same opinion I was when at your camp, on the Patapedia, that in view of some arrangements, if a unanimous Report could be arrived at, that an amendment of the Imperial Act was necessary to prevent litigation, in which you concurred with me.

But you have since thrown, by your decision at the Little Falls, the weight of the majority of the Commissioners on this point, against any such recommendation of an object which I have entertained hopes of being attained, in framing the General Report, instead of the absolute measure of defining the Line of Boundary by two Commissioners in lieu of three, as the Commission from the Right Honorable the Secretary of State directs under the Act of Parliament.

From these premises, I question much whether the line of Boundary as now marked, would be a legal Boundary between the Provinces, unless the three Commissioners concur in a unanimous Report to the Imperial Government.

In view, therefore, of obtaining unanimity, and not leave the question of Boundary still open to litigation between the Provinces, I have drawn up the herewith mentioned memorandum.

In reference to the area between the two Rivers under discussion, the quantum set down at 40,000 acres, is perhaps a little over, while the space of territory between the Patapedia and a due North line from the source of the Mistouche to intersect the 48th parallel, or in continuation of the course of the River due

North-west, the true area would not materially differ from the gross quantity I have mentioned.

Believe me, my dear Sir,
Yours very truly,

(Signed,) JOS. BOUCHETTE.

Lieutenant Colonel ROBINSON,
H. M. Commissioner.

H.

BOUNDARY OFFICE,
Quebec, 15th December, 1855.

My dear Sir,—I have received your communication of the 13th instant, with the memorandum enclosed, on the subject of signing the general Report and Plans.

I have read over again your letter of the 31st July, and it appears to me nothing can be plainer or stronger than the language in which you proposed to adopt at once Pollard's Brook as the Boundary, and suggesting the immediate removal of our Camp-stores up that stream, even adding that if your views were not concurred in in this respect your presence would not be required, and you would proceed to Quebec.

The same proposition was again alluded to in your note of the 10th August, 1854.

In the Map of the Arbitrators, the parallel of 48° is geographically carried to the main stream, and not stopped, as you conceived it to be, at Pollard's Brook, and in respect to the East branch, as you term it, running into the interior of the Seigniory of Cloridon.

I am not aware of there being any such Seigniory in existence. It was entirely extinguished in 1787.

I have submitted your letter of the 13th and the Memorandum to my colleague, Mr. Botsford.

We are of opinion that your proposition contained therein is quite inadmissible, and however much we regret not being able to bring our labors of the last three years, and a Boundary in dispute for the last 70 years, to a satisfactory termination, by a joint and unanimous Report, yet we must abide by our determination, as communicated to you in your letter of the 8th December, and accompanying Memorandum.

Believe me, my dear Sir,
Yours very truly,

(Signed,) WM. ROBINSON,
Lieutenant Colonel, Royal Engineers,
H. M. Commissioner of Boundary.

JOSEPH BOUCHETTE, Esquire,
H. M. Commissioner of Boundary.

I.

BOUNDARY OFFICE,

Quebec, 17th December, 1855.

My Dear Sir,—I beg to acknowledge the receipt of your communication of the 15th instant, conveying the opinion of Mr. Botsford and yourself in regard to the Memorandum inclosed to you in my letter of the 13th instant, that the proposition therein contained is quite inadmissible; however, that your regrets not being able to bring our labors of the last three years, and Boundary in dispute for the last 70 years, to a satisfactory termination, by a joint and unanimous Report.

I fully participate with Mr. Botsford and yourself in the expression of regret you convey. Permit me, at the same time, to remark, that the failure seems to resolve itself in a refusal on your part to admit the exception I have taken in signing the Report and Documents to be recorded with the proceedings of the Commission.

You certainly appear to dwell upon my communication of the 31st July, 1854, containing suggestions in respect to Pollard's Brook, which, indeed, if my colleagues had concurred in "at once," would have enabled us to prefer now a joint Report, under the circumstance of the mistakes admitted in both the Map and the letter of the award of the Arbitrators, such a Report of the facts ascertained from the actual Survey Eastward along the 48th parallel of latitude to the first waters of the Ristigouche, as would have met the approval of the Governments of Canada and New Brunswick. But those suggestions became nullified under my letter of the 10th August, after my visit to you at your camp at the Patapedia.

I now take leave to state, that the course of duty which now remains to me, is to report to the Secretary of State for the Colonies my dissent from part of the Report of my colleagues, and to transmit therewith copy of my exceptions, memorandum, and correspondence that have arisen out of the difference of opinion between us on the subject of the true Mistouche River of the award of the Arbitrators.

I avail myself of the present and last correspondence on the subject of the Mistouche to call your attention to the memorandum I communicated to Mr. Botsford, which I left with you under date 10th August last, in reference to the Islands in the Ristigouche lying North of the middle line down the stream of the River Ristigouche or intersected by that middle line, as it is important that a definite opinion should be given on the subject for the future action of the Executive Governments of Canada and New Brunswick in reference to the jurisdiction of those Islands. The matter seems to demand from us full and mature deliberation, in case of any difference of opinion as to the intentions of the Imperial Act in giving all the Islands in the Rivers forming the Boundary indicated on the Map to the Province of New Brunswick.

With the highest consideration,

I remain, my dear Sir,

Yours truly,

JOS. BOUCHETTE,
H. M. C.

Lieutenant Colonel ROBINSON, R.E.,
H. M. Boundary Commissioner.

K.

BOUNDARY OFFICE,
Quebec, 18th December, 1855.

My dear Sir,—In reply to your letter of yesterday's date, I beg leave to say, that our objection was not to your list of exceptions being recorded in our proceedings, but to them accompany and forming part of our final Report.

With reference to the Islands in the Rivers Mistouche and Ristigouche, my opinion is that the Boundary Line should follow the centre of the stream, and where Islands occur, follow the centre of the stream between them and the Canada shore.

By so doing the whole of the Islands will be included within the boundary of New Brunswick, and of course subject to her jurisdiction.

Believe me, my dear Sir,
Yours very truly,

(Signed,) WM. ROBINSON,
Lt. Col. R. E., and H. M. C.

JOSEPH BOUCHETTE, Esquire,
H. M. Boundary Commissioner.

L.

Report upon the Survey of the River Mistouche and Ristigouche, as forming a part of the Boundary between Canada and New Brunswick.

QUEBEC, 15th May, 1854.

Sir,—Having received your instructions, bearing date 10th day of March last, authorizing a Survey of the River Mistouche and the Ristigouche, from its confluence with that stream at Campbellton (as forming a part of the Boundary between Canada and New Brunswick) to be made, I have the honor to inform you that I left Quebec on the 12th March, accompanied by Mr. F. X. Bois, as chain-bearer, and proceeded to Lake "Temiscouata," where I provided myself with such camping equipage, provisions, &c., as could be procured in the Boundary Commission Stores at that place; thence I proceeded to Edmonstown, Madawaska; and with the assistance of Mr. John Emmerton, I procured a surveying party of seven men, together with two extra men to assist in transporting the baggage and provisions across the Portage; and having completed the requisite outfit for the service, I finally left the Little Falls on the 20th of the month, passing by the Grand River and the lumber roads in that direction. I reached the upper waters of the Ristigouche, a few miles below the embouchure of the "Magan." I descended the former stream for two days' march, and on the 25th halted at an old lumber shanty, about one mile above the entrance of the River "Mistouche."

In the settlement at Madawaska, and in travelling the Portage from River St. John's, I had the opportunity of conversing with several Indians and Ristigouche

lumbermen well acquainted with the tributaries of the main Ristigouche, who all concur in naming the stream "Mistouche."

I therefore determined to begin the Survey here, and with that view I began adjusting my instruments for astronomical observations, the weather for several days proved very unpropitious, being continually overcast with clouds, and it was on the 29th instant before I obtained the requisite observations necessary to determine the latitude and true meridian; having done so, and found the variations of compass to be 20° West, and the latitude of my starting point to be $47^{\circ} 46' 45''$ North. I commenced scaling the Ristigouche North-easterly 81 chains to the mouth of a small River entering the former stream on the North side, and at 55 chains 56 links due North from the point of departure, this being the stream known as the "Mistouche" or "Mistoue," agreeing with the River "Mistouche" as marked upon the Boundary Line Map accompanying my instructions, and named in the award on the Boundary between Canada and New Brunswick.

I proceeded to scale it, which I succeeded in doing for one mile only, when it became all open and quite free from ice, rendering it impossible to continue without passing either through the woods on the bank or in the water, the season of the year making it quite impracticable to do the latter.

The River "Mistouche," or as it is pronounced by the native Indians "Mistoue," is likewise known by lumbermen, in the vicinity, as Tracy's Brook, it is situated in latitude $47^{\circ} 47' 20''$ North, bank at 10 miles 51 chains between the mouth of the "Redgwick," it is not more than 70 links wide, with a strong and even current, and appears to run for some distance in a North-westerly direction. I was informed it had been ascended by small tow Boats (a flat bottom description of vessel used by lumbermen for conveying their supplies of provisions, &c., into the interior for rests) from 5 to 6 miles, and that lumber had been driven down at some 10 or 12 miles further; by information obtained from an Indian Hunter (Jean Baptiste Thomas) well acquainted with this stream, it would appear that it is separated into three branches about six miles from its mouth, the left hand or Westerly one runs away West North-west, and takes its source near the Beaver Brook, a large branch of the Redgwick; the right hand or Easterly branch runs in a North-easterly course and heads near to Pollard's Brook, a large branch of the Patapedia.

The middle or Northerly branch would appear to run in the most direct course, as it is probably 15 or 16 miles in its whole length, all the waters of the three branches being enclosed within the arms of Pollard's Brook and Beaver Brook.

Finding I could not succeed in carrying out the principal object of the expedition, I determined to pursue the latter part of my instructions, namely, to survey the Ristigouche from the Redgwick to Campbellton, this I had a favorable opportunity of doing: the ice upon the main River being firm and good. I accordingly began at my first station and scaled up to the mouth of the Redgwick, a distance from the embouchure of the Mistouche of 10 miles 52 chains. I was joined at this time (31st March) by Mr. Cunard Barbarie and two men, who continued with me throughout the remainder of the survey.

From the Mistouche I scaled the Ristigouche down to the Upsalquitch, a distance of 41 miles 16 chains, the whole distance from Redgwick being 51 miles 67 chains 75 links to a spruce tree on the East bank of the stream, where I closed the survey.

At 21 miles 58 chains from the Redgwick, I passed a large stream entering the Ristigouche from the North-west, known by the name of the Patapedia, and although the survey of it was not ordered in my last instructions, yet, having some extra provisions and the state of the ice being propitious, I thought it might be of advantage to the Commissioners in furthering their operations to obtain some definite information thereto. I accordingly made a rapid survey of it for

16½ miles, to within a short distance of the first fork known as Pollard's Brook, but owing to the bad state of the ice I could proceed no further—the River being nearly all open.

On my arrival at the River Upsalquich with my survey, the season being pretty far advanced—the 17th April—and fearing the ice on the Upper Ristigouche might break up and render it difficult to return with the baggage, instruments, &c. I therefore thought it advisable to abandon the further prosecution of the work towards Campbellton, and to return home. Accordingly, on the 17th April, I dismissed Mr. Barbarie and his two men, and started with the remainder of the party on the return homeward; the 22nd I reached Edmundston, where I was detained two days paying off the men, and settling the accounts with Mr. Emmerson; and on the 25th I again left Madawaska and encountering considerable difficulty in travelling, from the exceedingly bad state of the roads, I finally reached Quebec on the 30th April.

I have the honor to be, Sir,
Your obedient Servant,

(Signed,) F. W. BLAIKLOCK,
Acting as Chief Surveyor for Canada.

M.

QUEBEC, 19th December, 1855.

Sir,—Since I had the honor of reporting, in my letter of yesterday, for the information of His Excellency the Governor General, my dissent from the Report of my colleague Commissioners on the subject of the River Mistouche, I beg leave to state, that from communications, under date 19th instant, received from Lieutenant Colonel Robinson and Mr. Botsford, in reply to a communication of the 18th instant, referring to a former Memorandum of mine relating to the Line of Boundary down the centre of the streams of the Rivers Mistouche and Ristigouche, forming the Boundary between Canada and New Brunswick, under the Act of Parliament 14 and 15 Vic. cap. 63. Another subject of difference, of no less importance, has arisen as to the course of the Line of Boundary laid down on the Map referred to in the award of the Arbitrators.

As the question of difference has arisen through the action of my colleague Commissioners, in altering the Sectional Plans prepared for signature from the lines laid down the centre of the River Ristigouche, according with my opinion of the mode of designating that portion of the Line of Boundary, to accompany the Report to Her Majesty's Imperial Government, laying down another line so as to comprise within New Brunswick all the waters that surround the numerous Islands near the entrance of the Ristigouche; and having objected to this proceeding, and as the subject will form matter for further deliberation among my colleague Commissioners, I will do myself the honor of acquainting His Excellency the Governor General with the result on my arrival at Toronto.

I have the honor to be, Sir,
Your most obedient Servant,

(Signed,) JOS. BOUCHETTE,
H. M. Commissioner.

Honorable GEO. ET. CARTIER,
Provincial Secretary.

No. 9.

**Copy of Report of Lieutenant Colonel Robinson and the
Honorable A. E. Botsford, Commissioners, to the Right
Honorable the Secretary of State for the Colonies, with
Appendices A, B, C, and D.**

—
(DUPLICATE.)

QUEBEC, 18th December, 1855.

Sir,—We the undersigned Commissioners, appointed the 2nd August, 1852, by Her Majesty's Principal Secretary of State for the Colonies, under the authority given to him by the Imperial Act, 14 & 15 Vic. Reg. cap. 63, intituled, An Act for the settlement of the Boundary between the Provinces of Canada and New Brunswick, to ascertain, define, and mark the Boundary line between the said Province of New Brunswick, and between the said Province of Canada, according to the intent of the said award as mentioned in the said Act.

Having performed the duty entrusted to us, we beg leave to report our proceedings as follows:—

2. Agreeably to the instructions which we received from the Governor General of Canada, and Lieutenant Governor of New Brunswick, the Commissioners assembled for the first time at the Town of Woodstock, in the latter Province, on the 24th May, 1853.

3. During the preceding winter however they had by correspondence (their respective residences being widely separated, one in each Province, and the third in the Island of Newfoundland) agreed upon and ordered to be sent from England the Astronomical and other Instruments which they deemed necessary to the proper accomplishment of the service, and which could not be so well obtained on this side of the Atlantic.

The accompanying list, marked Appendix A, will show in detail what these were, to which were added two Chronometers and a superior Theodolite, obtained in Canada.

4. The Commissioners having duly considered, and having from the nature of their past duties been fully conversant with what had been done on the similar service, performed a few years previously, viz.:—that of tracing out and marking with proper monuments the Boundary between the British Provinces of North America and the United States, decided to follow, with some few modifications, the Plan adopted on that occasion.

The one service was in fact a continuation of the other, but not being of quite so important a nature it was deemed advisable to diminish the width of the line cut through the woods from 30 to 20 feet wide, and while using the same description of Iron Posts for Monuments, to diminish proportionally the number by nearly one-half.

5. At the time of meeting, the Instruments had not been received from England, but the Commissioners having for various reasons considered it best to ascertain and fix, in the first place, the Southern Boundary of the Fiefs of Madawaska and Temiscouata, upon which so much of the rest of the line both East and West of it depended; proceeded at once to the River Madawaska, and established their first encampment close to the point where, in 1836, the crossing of the River by the Seignior line had been determined and marked by the Deputy Surveyor General of Lower Canada.

The Cedar Post marking the spot was found in its place, as left by him.

Beyond this only a partial and imperfect attempt to define this Southern Boundary of the Fief had been made by a local Surveyor.

6. The instruments from England were received in Camp on the 16th of June, the portable transit, and altitude and azimuth instruments were set up in position, and observations of the stars made for time and latitude.

The direction of the meridian was found, and the line due North-east and South-west, for the boundary of the Seigniory was laid off from it, in conformity with the law and custom of Canada in respect to Seigniories.

7. Parties of labourers, under qualified Surveyors, proceeded to cut out the line on each side of the River 20 feet wide.

The length of each line was measured off, two French leagues from the River's edge; and two important points of the boundary, as contained in the Act established, viz., the Southernmost point of the Fiefs Madawaska and Temiscouata, and the South-east angle of the same.

8. Whilst this was being done, observations of latitude continued to be made.

For these and many other details of execution and performance, which would necessarily encumber this Report, reference is requested to the Books and Documents in which they were entered and calculated, and will be lodged in the offices of the Surveyor Generals of the respective Provinces. They are marked as Appendix B to this Report.

9. When arrived at the South-east angle from which the meridional line Northwards was to be commenced, the requisite instruments were conveyed there; the direction of the meridian observed, and a due North point from the transit instrument set up at a convenient distance, to preserve the true direction.

A duly qualified Surveyor was left with a strong party of labourers to cut out this line.

One of the portable transit instruments was left with him, by which a superior theodolite in addition, he was enabled to continue the line due Northward; and it was afterwards tested and examined by the Commissioners, and found to have been correctly and well carried out.

10. The latter having seen this line properly commenced, then moved to Long Lake, and proceeded to establish the next important point in the Act at one mile due South from the Southernmost point of that Lake.

A site for a Camp was selected on the South border of the Lake, and observations made for latitude and direction of the meridian.

This one mile point, having been duly established, the next operation was to connect it on the East side by a straight line to join the Southernmost point of the Fief, as just before established by them; and on the West side by another straight line to the point A, at the outlet of the Lake Beau, as described in the Act.

Fortunately, this point was so well defined in the Plan accompanying the award of the Arbitrators, and on the ground so correctly correspondent with that Plan, that it was at once ascertained and fixed.

12. These two lines not being very long, though quite enough so as to prevent their termination being observed from any one point; and being impossible, in a country so broken and covered with the densest wood, to attempt anything like a Trigonometrical Survey, to ascertain their right direction or bearing from the one mile station. The Commissioners, as the easiest and quickest method, ran a trial line to each point, merely brushing out and cutting down whatever impeded the Surveyor keeping a straight course.

The direction at starting was derived from the most correct Maps and information in their possession at the time.

The true lines were then laid off by computation, and offsets from the trial lines.

The one mile point commanded the line to the Eastward for very nearly the whole of its course, and the line was kept straight by the directing instrument at that station. On the Western side intermediate stations for direction had to be taken up.

The first line to the Eastward proved to be, on measurement, 12 miles 297 feet; the other, to the Westward, 12 miles 1586 feet. Both lines were cut out 20 feet wide.

The meridional line was cut out this season to the extent of 21 miles.

14. By the time these operations were completed, snow and ice began to make their appearance, and warned the Commissioners that the season for working with any advantage was at an end.

In November, therefore, they dismissed their parties; and having, on their arrival at Quebec, reported themselves to the then acting Governor General of Canada, and made also a Report in triplicate of their progress, accompanied with a sketch, they adjourned for the winter to their respective residences.

15. During the season's operations no difficulties occurred which were not easily surmounted, except that arising from the difficulty of transporting provisions into the woods, wherewith to feed the several parties. A dry season, and the consequent failure of water in some one or more of the streams, rendered this both tedious and expensive.

16. Early in the spring of 1854, whilst the streams were still frozen, a Surveyor was sent, with a party, to make a Survey of the Mistouche River, and a portion of the Ristigouche River below its embouchure.

The Iron Monuments which had been ordered to be made at St. Johns, New Brunswick, 60 in number, of which 10 were made somewhat larger than the rest, for the purpose of marking more conspicuously the angular and important points of the Boundary, were, during the autumn and part of the winter, sent off to the nearest points of the Boundary Line to which they could be readily carried.

17. In the summer of 1854, the Commissioners, according to previous agreement, met on the Ristigouche River.

A difference of opinion here occurred between Mr. Bouchette and the other two Commissioners as to the true River Mistouche. Some correspondence ensued, copies of a portion of which accompany this Report, (Appendix C,) and will explain more in detail the cause of the difference.

18. It may, however, be briefly stated here that the Map or Plan accompanying the award of the Arbitrators, which had been compiled from the previously published Maps of the country and other documents furnished to the Royal Commissioners, was found not to agree correctly with the actual physical facts on the spot.

The difficulty occurred between two Rivers, the one marked Mistouche or Patapedia River on the general Plan accompanying this Report; the other, marked Tracy's Brook, a little to the West of it.

The two latter were the names by which these streams were familiarly known in the country.

19. Mr Bouchette was of opinion, from the information which he had collected, that Tracy's Brook was the true Mistouche, whilst the other two Commissioners were as strongly of opinion that the Patapedia was the true Mistouche of Geographers, and the one according to the intent of the award.

It will be seen on the Map that the stream claimed by him does not reach the 48th parallel, and therefore never could form the Boundary according to the Act

of Parliament, whilst the other, a much larger River, extended many miles beyond it, and its waters are those first cut by the parallel East of the River Redgwick.

The Chief Arbitrator assigned a special reason for the line being extended beyond this River.

20. Whilst this discussion was in progress, two of the Commissioners proceeded up the River, which they had selected as the Mistouche of the award, to establish the point where it would be intersected by the 48th parallel.

The other Commissioner went to explore the stream claimed by him to its Northern source.

The actual amount of territory involved in the question is admitted by all the Commissioners to be of inconsiderable value to either Province, being less than 40,000 acres of wild lands.

21. A favorable place for an encampment occurring on the bank of the River, about 21 miles up the stream from its mouth, and near, by estimation, to the required latitude. The transit and altitude instruments were set up, and observations continued to be made of stars, until the results of a great number of observations gave satisfactory proof that the position had been accurately determined.

22. The latitude of the station, by a mean of 72 observations of stars taken on different nights, when passing or close to the meridian, gave the latitude of the station $47^{\circ} 59' 32''$.

A due North line was cut out, and a distance equivalent to $28''$ of latitude measured off upon it.

The first point in the parallel was thus established.

The third Commissioner having returned from his exploration of the stream to the West, and ascertained that it did not extend to the parallel, made also his observations for the latitude, and having verified the correctness to his own satisfaction of the result obtained; the cutting out and marking the parallel was commenced.

Full details of this operation are given in the Documents forming Appendix B to this Report.

23. This having been commenced, one Commissioner, Lieutenant Colonel Robison, remained to superintend its execution, whilst the other two left for the purpose of forwarding other portions of the Boundary, viz., the tangent lines, and planting the Iron Monuments on such parts of the line as had been cut out during the preceding summer.

24. The difficult nature of the country, the overlapping of the streams rising from numerous hills, their being no continuous or connected ridges of highland, but every where an undulating and hilly country, covered with the densest forest, rendered the selection of these lines a work of much consideration and of previous exploration.

25. About two thirds of the parallel was completed this season, but a few miles only of the tangent lines were done, when the approach of winter, snow, and ice, rendered it impossible to continue the work either with safety or advantage, and in November the working parties were discharged, and the Commissioners, after making a Report of their season's progress, adjourned to their respective residences, when expenditure, on account of the Commission, ceased.

26. With a view to economy also, it is to be stated that this year the width of the cutting was reduced from 20 feet to 10 feet, or only so much as to admit of the lines being accurately ascertained.

The Iron Monuments were planted on the most conspicuous hills where the lines cross them, and the banks of the principal streams: they average a dis-

tance of about two miles apart, and will always serve to preserve the course of the boundary.

27. The Commissioners re-assembled at Quebec, on the 4th of June in the present year, and as soon after as the freshet in the River, caused by the melting of the snow in the woods, had subsided, they proceeded by the Rinnouski River to resume and complete the tracing of and cutting out the 43th parallel, the North tangent line, the East and West tangent line, and the portion remaining incomplected of the meridional North line.

28. The remaining Iron Monuments were planted in their proper places, and the Boundary in the field having been ascertained, marked, and defined, the Commissioners, at the end of September, returned to Quebec.

29. Since which time they have been engaged in compiling and drawing, to accompany this Report—1st, A General Plan of part of Lower Canada and New Brunswick, showing the whole Boundary between these two Provinces; and 2ndly, 19 Sectional Plans, showing on a large scale the details of the Boundary, such as the position of the Monuments, the crossing of principal streams, mountains, &c.

The numbers, headings, and titles of these are detailed in the List Appendix D.

They comprise a length of Boundary of 174 $\frac{7}{8}$ miles, of which 103 $\frac{1}{4}$ from the point A, on Lake Beau to the intersection of the parallel with the River Mistouche, have been cut out through the woods. The remainder is River Boundary.

30. The Plans have all been made and signed in triplicate, with the view to one set being deposited in the Surveyor General's Office of each Province; and the third to accompany this Report to Her Majesty's Principal Secretary of State for the Colonies.

31. A duplicate of this Report will be forwarded at the same time with them to the Governor General of Canada, and a triplicate to the Lieutenant Governor of New Brunswick.

32. As soon as the accounts of the expenditure shall have been made up, the Commissioners will forward a statement of the amount.

33. Mr. Bouchette having refused to sign this, we, the undersigned, present it as our final Report, of having ascertained, defined, and marked, on the ground, the Boundary Line between the Provinces of New Brunswick and Canada, according to the intent of the award mentioned in the aforesaid Act of Parliament.

We have the honor to be, Sir,
Your obedient humble Servants,

A. E. BOTSFORD,
Commissioner of Boundary.

WM. ROBINSON,
Lieutenant Colonel, Royal Engineers,
Commissioner of Boundary.

The Right Honorable
H. M. Secretary of State
for the Colonies

No. 9.—(Continued.)**A.****List of Instruments supplied for the use of the Canada and New Brunswick Boundary Commission. To accompany Report of Commissioners, dated 18th December, 1855.**

FROM ENGLAND.

1. One 12-inch (both circles) Altitude and Azimuth instrument, with stand complete.
2. Two 30-inch portable Transit instruments, with iron stands.
3. One 7-inch Theodolite and two Telescopes and tripod stand.
4. One small Telescope, with portable stand.
5. A best Circumferenter with Telescope and tripod stand.
6. A best Azimuth Compass with tripod stand.
7. Four Mountain Barometers, Gay Lussa pattern.
8. Two Aneroids with Thermometers attached.
9. Two Pocket Levels.
10. Three Gunter's Chains, and two 100 feet Tape Measures.
11. Five Thermometers.
12. One set of Drawing Instruments and Ivory plotting scales, one 6 inch Protactor.
13. One 3-foot best Brass Pentagraph.
14. Books, viz., Nautical Almanacs, a copy of requisite Tables.

FROM CANADA.

15. One 7-inch Theodolite with Telescope, transit mounted and tripod stand.
16. One mean-time Chronometer, by Farquhar, $\frac{1}{2}$, London.
17. One set Pearson's Arithmetical Tables, from the U. S.
18. One Sidereal Time Chronometer, by Hutton, No. 252, London.

W. R.,
Lt. Col. R. E.

A. E. B.

B.

List of Books connected with the Boundary between Canada and New Brunswick; alluded to in the Commissioners' Report, dated 18th December, 1855.

FOR CANADA.

- 1 Book containing Calculations of Latitude.
- 1 do containing Transits of Stars, &c.

FOR NEW BRUNSWICK.

- 1 Book containing Calculations of Latitude.
- 1 do containing Transits of Stars, &c.
- 10 Field Books containing Observations, &c.

W. R.
Lt. Col. R. E.
A. E. B.

C.—(No. 1.)

(Copy.)

PATAPEDIA, 4th July, 1854.

Dear Sir,—I reached the Mistouche this morning, *via* Grand River, and after camping at the mouth of that River I proceeded hither, having been informed at Chene's Settlement that you were encamped at the entrance of the River, and learnt from the man in charge of the Depot of Provisions that you had ascended the Patapedia with Boats, Stores, &c., and were encamped some 22 miles up the River, also that Major Robinson was daily expected from Campbellton, and would likely come up with the Tow-boat expected Friday next.

I can scarcely describe my disappointment at not meeting you previous to your starting up that River, which leads me to conclude that you assume it as the River Boundary between Canada and New Brunswick, which we have been appointed to ascertain and define, under the Act of Parliament 14 and 15 Vic. cap. 62, establishing the Boundary Line between Canada and New Brunswick.

It was not but until the 21st ultimo, that I was officially informed, by command of the Governor General, that the necessary funds should be supplied by the Department of Public Works to continue the Survey this year, whereupon I engaged, at River du Loup, the men from Mr. Blaiklock's Survey of the meridian line, limited to ten men, two chain-bearers, and cook, and provided myself at the Lake, and at Emerson's, four men and two canoes to carry me and my assistant to the Mistouche River, taking an Indian guide acquainted with the Ristigouche to point out that River, the only one of that name, tributary to the Ristigouche, mentioned in the award of the Arbitrators become law by the Imperial Act.

No such River as the Patapedia is named either in the Act of Parliament or on the Map of the Arbitrators, which Map I have; nor is that River mentioned

on the Map accompanying the Report of Major Robinson, Captain Henderson, and Attorney General J. Johnston, Commissioners appointed to inquire into the legal claims of Canada and New Brunswick to the territory in dispute between those Provinces, nor is it named in a Map of S. Sanders, Esquire, Surveyor General of New Brunswick, dedicated to Sir John Colebrooke, in 1842; but the River Mistouche or Mistoue is accurately shown on all those Maps as situated above Still Water Brook, and about seven miles below the Redgwick, being furthermore designated on the Surveyor General's Map as Tracy's Brook.

The River Mistouche, therefore, so situate, constitutes part of the Boundary Line between those Provinces, from the 48th parallel of latitude to its mouth on the Ristigouche; and it was in that view of the Act of Parliament that I prepared the instructions of Mr. Blaiklock, a copy of which I enclosed to you, and which you were pleased to approve.

Agreeably to these instructions he proceeded on the survey, and identified the River Mistouche, named in the Act of Parliament, which River he could only scale about $1\frac{1}{2}$ mile, it being open and the ice unsafe to proceed further up.

Mr. Blaiklock's Report of the River appears explicit, and leaves no room to doubt that it is the same intended in the award; he further reports having (without, however, instructions from me) scaled the Patapedia the distance of seventeen miles for the information of the Commissioners, sufficiently to manifest that the Patapedia and Mistouche are distinct Rivers.

You will judge yourself, upon perusal of the Report herewith enclosed to you, and I feel satisfied that any impression you entertain to the contrary as arising from less authentic sources, will be removed, and that you will admit the Mistouche, pointed out on the Map of the Arbitrators, and the other official documents, above enumerated (all of which I have with me for your inspection), as the River intended in the Act of Parliament, which we are now to carry out, and hope with the unanimity that has marked our progress.

I have despatched Mr. Bois with the Indian guide to hand you this hurried letter, while I must return to my Camp at the Mistouche, where I will commence observations for latitude and time with the sextant and chronometer, the only instruments I have got with me. I may also fix the stations up the River until you and Major Robinson join me, to confer together on the subject of the Boundary.

I have left a letter with Smith, the store-keeper at the Patapedia, for Major Robinson when he arrives from Campbellton, and when we meet at the Mistouche I will take occasion to communicate to you further details connected with the public service.

With the highest consideration,

I remain, my dear Sir,
Your very sincerely,

(Signed,) JOS. BOUCHETTE.

Honorable A. E. BOTSFORD,
Commissioner for New Brunswick.

C.—(No. 2.)

(Copy.)

Dear Sir,—Mr. Bois this moment handed me your letter of the 4th instant. I regret exceedingly that the Commissioners could not have met at Campbellton, previous to any arrangement having been made as to the formation of the depots on this portion of the Boundary service. When, however, I found that Major Robinson intended to proceed to Fredericton before he came on, and would in consequence be delayed, I deemed it advisable, as the water was getting low in the Rivers, to have a depot established on the Mistouche, at the intersection of the 48th parallel; and ascertaining that "Tracy's Brook" was overlapped by branches from this River and the Redgwick, I was of opinion that that stream could not be the River designated as the Mistouche by the Arbitrators, and this opinion is confirmed by an examination of the Map attached to the award of the Arbitrators, which lays down the Mistouche as the only large tributary of the Ristigouche between the Redgwick and Metapedia Rivers, and as containing Islands. Now, it is a geographical fact, that this River is the only principal one which answers to that description, and that Tracy's Brook is but a small stream, and is not navigable at the 48th parallel, even if its sources should extend as far. As satisfied as I am that this River is the true Mistouche designated in the Act of the Imperial Parliament, I should not have gone to the expense of making a depot of provisions at the intersection of the 48th parallel of latitude without consultation, with or without having the opinion of Major Robinson on the subject.

After the Major's arrival at Halifax, finding he would be late in meeting us at Campbellton, he wrote to me suggesting the course I have adopted, and requesting me to inform you of what his opinion was as to the River designated as the Mistouche, as he supposed you would be at Campbellton at the same time.

When I left the latter place to ascend the Ristigouche River, I fully expected to meet you on your way down; but when I arrived at the mouth of this River, I was disappointed at not meeting you; and on enquiring of some Indians, who had come down from the Redgwick, I found you had not arrived there at that time, as I had employed men with a scow and horses at considerable expense by the day; and as the water was getting low in the Rivers, I decided, for the reasons I have previously urged, to have the stores forwarded up this River.

I trust you will not imagine that there was any want of courtesy towards you in the course I have adopted in the difficult position in which I was placed; and however we may differ in opinion upon any of the points submitted for our decision, I feel satisfied it cannot interrupt the cordial feeling which has hitherto existed between the Commissioners. I beg to suggest that you and I should meet Major Robinson at Simon Colleck's on Saturday afternoon, as the most convenient place of rendezvous for consultation. For that purpose I shall leave this on Saturday morning.

I have been taking some observations, and find that I am a little to the Southward of the 48th parallel; but as the night bids fair to be favorable, I shall be enabled to speak more certain on the subject. I have no doubt but that Major Robinson will arrive on or before Saturday.

Hoping to have the pleasure of seeing you soon,

I remain,

(Signed,) A. E. BOTSFORD.

Jos. BOUCHETTE, Esquire,
Boundary Commissioner.

C.—(No. 3.)

(Extract.)

QUEBEC, 7th September, 1854.

My dear Sir,—I take occasion of the first mail leaving this for Campbellton to enclose you copy of the Attorney General's written opinion on the subject of the Mistouche, with copy of my letter to him communicating the circumstances of the existing difference between us, relative to that River and the Patapedia.

(Signed,) JOS. BOUCHETTE.

Major WM. ROBINSON, R. E.,
&c., &c., &c.

BOUNDARY LINE SERVICE,

Quebec, 20th August, 1854.

Sir,—A difference of no inconsiderable importance having arisen between the Commissioners appointed under the Imperial Act 14th and 15th Vic., cap. 63, to trace and mark the line of Boundary between the Provinces of Canada and New Brunswick, agreeably to the award of the Arbitrators, referred to in the said Act, which appears to me to resolve itself into a question of law. I take occasion of my being at Quebec, for the purpose of placing in course of preparation the Maps to accompany the Report of the Commissioners to Her Majesty's Government and the Governments of Canada and New Brunswick, to have the honor of submitting to you, as Her Majesty's Attorney General for Lower Canada, the following particulars of the difference above alluded to, and to respectfully solicit your opinion on the subject which will serve to remove any apparent obstacle to an amicable adjustment of the Line of Boundary between these Provinces, agreeably to the intent of the Act above cited, and in accordance to the following extract of the award of the Arbitrators:—

"Thence along this meridional line to the 48th parallel of latitude: thence "along that parallel to the Mistouche River: and thence down the centre of the "stream of that River to the Ristigouche: thence down the centre of the stream "of the Ristigouche to its mouth in the Bay of Chaleurs."

New Brunswick would be bounded on the East by the River called "Mistouche," from the 48th parallel to the River Ristigouche, in the manner described on the Map accompanying the said award, and referred to in the first article of the said Imperial Act, representing the mouth of the Mistouche River to be situate about $2\frac{1}{2}$ miles above Still Water Brook, discharging on the Northerly side of the Ristigouche.

The River Mistouche explored by the undersigned does not, however, attain the 48th parallel, its source only reaching $42^{\circ} 54' 30''$, and therefore would fail intersecting by a line running East from meridian line along the said 48th parallel of latitude; but the line does intersect further East another River called by the Indians, and well known as the River Patapedia, or by lumbermen called Patamaga, discharging into the River Ristigouche about $11\frac{1}{2}$ miles below the mouth of the Mistouche River. This River the Commissioner for New Brunswick, the Honorable A. E. Botsford, considers to be the River intended by the Act of Parliament as the Boundary between Canada and New Brunswick, which the third Commissioner, Wm. Robinson, Esquire, Major Royal Engineers, appears to confirm, for the reason that from the superior width it appears to be the

River intended by the Arbitrators,—a River which should be intersected by the 48th parallel; and that the Map of the Arbitrators is erroneous in placing its mouth above Still Water Brook, whereas the Mistouche River, otherwise called “Tracy’s Brook,” is a smaller stream, which does not fulfil the conditions prescribed in the Act of Parliament, besides that the said River Patapediac on Well’s Map is called the Mistouche River, from the name of the Lake from which it takes its source.

The above views, no doubt, offer strong grounds for its adoption as the Boundary stream; and there is no other River short of the Redgwick River on the West, or the Metapedia on the East, that presents the same advantage; nevertheless, the River thus assumed as the Boundary is not the River Mistouche named in the award, but is truly a different and distinct River.

That there may have been a mistake or error of information on the part of the Arbitrators in naming the River, even admitting it as probable, the circumstance nevertheless involves some 60,000 acres against Canada, part of which may be found to interfere with the Seigniorship of Cloridon, belonging to the Crown, by “Droit de Retrait,” whilst, on the other hand, questions of jurisdiction between the Provinces of New Brunswick and Canada, as regarding the River Patapedia as the assumed Boundary, may arise, calling into doubt the validity of such assumption by the Commissioners, or a majority of them, in deviating from the absolute letter of the Act of Parliament, unless some Act by the Imperial Parliament declared it to be the Boundary between the said Provinces.

From the above-stated premises, which I have further illustrated on the accompanying sketch, you will at once appreciate the reason of my addressing you as the highest legal opinion I can appeal to under the existing state of things.

I have the honor to be,
Your most obedient Servant,

(Signed,) JOS. BOUCHETTE,
Commissioner for Canada.

The Honorable L. T. DRUMMOND,
H. M. Attorney General.

C.—(No. 4.)

(Copy.)

CAMP NEAR REDGWICK RIVER,

October 12th, 1854.

Dear Sir,—I beg leave to acknowledge the receipt of your communication, dated Quebec, September 7th, 1854, forwarding me the copy of a letter which you had addressed to the Honorable the Attorney General for Lower Canada, on the subject of the difference of opinion which has arisen between yourself and the other two Commissioners of Boundary, as to the true Mistouche River, together with the copy of the opinion given by him in reply.

I need not explain to you the cause of the delay in my receiving this letter with its enclosures, because you yourself became the bearer of it to this place from the Post Office, to which it had been mis-sent, and where it had been waiting for an opportunity to be forwarded to me.

As without the sketch which accompanied your letter to the Attorney General a full understanding of the case submitted to him cannot well be arrived at, I beg leave to request from you a copy of it.

In the mean time, I take this opportunity of stating in reference to that part of your letter which refers to me individually, that my opinion as to the River struck by the parallel of 48° , which has been fixed upon and marked by the majority of the Commissioners as being the true River Mistouche of the Arbitrators, and of the Map accompanying their award, is founded not only upon magnitude (length of course and breadth of stream as well as eligibility), but also upon the official Maps drawn up in the Offices of the Surveyor Generals both of Canada and New Brunswick, which were transmitted from the Colonial Office in London for the information of the Commissioners appointed in 1846 by Her Majesty's Government, to report upon the disputed Boundary, and made use of by them in the compilation of their Map, upon which the Arbitrators, in London, made their award.

Both these Maps agree in representing one large River, and one only situated between the Redgwick and Matapedia Rivers, as extending to the 48^{th} parallel, having its source in the highlands overlooking the St. Lawrence and discharging its waters into the Ristigouche River on the North side.

Both Maps agree in giving it the same name of Mistoue, but they do not agree as to the point where it enters the Ristigouche: the Map of New Brunswick placing it much further to the Eastward than that of Canada does.

A Map of Canada, published in 1843, by James Wyld, the well known Geographer in London, gives the same River with the same name of Mistoue, and makes it enter the River Ristigouche in the same manner and same place as shown on the Map of the Arbitrators.

Another Official Map, published at Washington in 1843, and compiled by Officers of the United States Corps of Topographical Engineers, from exploratory surveys made by them in the highlands, give the same point of entrance, but call it "Matamaja" River, which is an approach to Patapedia or Patapaja of the lumbermen, who, together with the Indians, are, with rare exceptions, the sole visitors of these Rivers, and often change the old names given by the Indians to others better suited to themselves.

This point of discharge, however, as shown by these two Maps, and others might be quoted, but it is unnecessary, because it is now known that in this particular they are incorrect, and the entrance into the Ristigouche should be placed more to the Eastward than shown on the Map of the Arbitrators; but the difference caused thereby would be so unimportant, and on the Map, on the scale to which it was drawn, would appear so small that it is highly improbable it could have affected their selection.

Having, for certain reasons specified in their Report, determined to carry the Boundary East of the Redgwick, they selected the next River struck by the parallel of 48° .

The unforeseen choice of this tributary River as the Boundary has given it an importance which it did not then possess, and would not otherwise have attained. I have little doubt, but I have not the means of reference by me, that most of the best Maps published in Canada agree generally as to this stream—its size and its name, but differing from each other in some of the details as to its rise, course, and discharge.

But these discrepancies do not extinguish the name and the actuality of the River itself.

Nor can the single instance in one Map which you possess, which applies the words "Tracy's Brook," or "Mistoue" River to a comparatively insignificant

stream, so small as not to have been mentioned by name in any of the documents before quoted, be deemed sufficient to overturn the name of the River applied to it by so many other authorities, and thereby defeat the undoubted intentions of the authorities.

These differences are merely the errors of the compilers, arising from want of proper Surveys.

Until this year, I believe, no Survey was ever made of the River Mistoune, and that was done by our parties, not from the mouth to its source, but to a few miles only beyond the point where the 48th parallel strikes it.

The Honorable the Attorney General says, the names of the River must be taken from the Plan annexed to the award of the Arbitrators, and specially mentioned in the Imperial Act.

Now, the small stream known as "Tracy's Brook" is not set down at all on that Map. I consider therefore that the Commissioner for New Brunswick and myself have fixed upon the true River Mistouche of the Map and of the intentions of the Arbitrators, notwithstanding that the River is now generally called on the spot Patapedia River or Patapaga.

I should make this letter too long were I to pursue the subject further at present. I defer doing so, until I have an opportunity of conferring with our colleague, Mr. Botsford.

Believe me, Sir,
Yours, &c., &c.,

(Signed,) WM. ROBINSON,
Major Royal Engineers,
H. M. Commissioner of Boundary.

C.—(No. 5.)

(Copy.)

SEIGNIORY OF MADAWASKA,
November 8th, 1854.

Dear Sir,—On my arrival at Edmunston, on the 5th instant, from Frederickton, Major Robinson handed me a copy of your communication to the Honorable Attorney General Drummond, dated 30th August, on the subject of the Mistouche, accompanied by his reply.

Had I received these documents at an earlier day, I should have written to you before.

I now feel it my duty to object to the manner in which you stated the case to obtain the Attorney General's opinion, and at the same time to set forth a few of the reasons which influenced me in coming to the decision I did in the matter, and to which you still seem to dissent.

I cannot agree with you that the selection of the River designated in the award of the Arbitrators as the "Mistouche" is a question of Law, requiring the legal opinion of the Law Officers of the Crown; it is simply a question of fact, which the Commissioners alone are empowered to decide.

The sketch which accompanied and illustrated your letter to the Attorney General, Mr. Drummond, is calculated, in my opinion, to give a very erroneous impression as to the intentions of the Arbitrators, inasmuch as you have traced on

it two Rivers, calling one the "Mistouche" and the other the "Patapediac;" thus, in fact, deciding the whole question at issue, and assuming that the other two Commissioners are wrong in their decision, while on the original Map of the Arbitrators annexed to their award there is but one River laid down between the Redgwick and the Metapediac Rivers, and that one extending beyond the 48th parallel.

I assume it to be a correct position, where doubts exist as to the true meaning of a document, that we should refer to the authorities which were before, and it is reasonable to suppose, influenced the Arbitrators in the performance of their duty.

With this view, I refer you to the following official Maps, containing, as they do, conclusive proof as to the true River Mistouche intended by the Arbitrators:—

No. 1.—A Map of Canada, published in 1843, by James Wyld, London.

No. 2.—A Map compiled by A. Wells, Esquire, when appointed Commissioner for Canada, to adjust the Boundary between it and New Brunswick, which lays down the River "Mistoue," in every particular, the same as that called the "Patapediac," in your sketch prepared for Mr. Attorney General Drummond.

No. 3.—Map by A. Wells, comprehending the territory adjacent to the unsettled Boundary between the Provinces, including also the Ristigouche River drawn from actual Surveys.

This Map traces the River which Major Robinson and myself have fixed on as the Mistouche of the award in the most accurate manner, and designates it as the "Mistoue;" Tracy's Brook is correctly laid down as a small stream, but is too insignificant to be named by him.

No. 4.—A Map of New Brunswick and territory in dispute between it and Canada, prepared under the direction of the Honorable Thomas Bailie, Surveyor General and Commissioner of Crown Lands in 1843, who was also appointed Commissioner on the part of New Brunswick to settle the Boundary between these Provinces.

This Map agrees with Mr. Well's in having but one River drawn between the Redgwick and the Metapediac, called the Mistoue, and which is made to join the Ristigouche River some miles to the Eastward of Still Water Brook.

No. 5.—A Map showing the various proposals for the adjustment of the territory in dispute between Canada and New Brunswick, prepared by Mr. Sirrsmith, 12th September, 1845.

This Map also shows but one River between the Redgwick and the Matapediac, which is called the Mistouche. It is represented as taking its rise in a Lake Mistoue, and its course, as well as that of its tributary, "Pollard's Brook," are correctly laid down, which clearly identifies this River as the same as that called by the lumbermen "Patamaja;" the only error seems to be that its entrance into the Ristigouche River is represented as being farther to the West than is found to be the case upon a more accurate survey.

It is not, however, very extraordinary that in a wilderness country, not yet properly surveyed, maps should differ from each other as to some of the details, as to rise, course, and discharge of its rivers.

But these discrepancies cannot extinguish the name and the actuality of the River itself.

I am informed that all these maps to which I have referred, with the exception of that by Wyld, were officially transmitted from the Colonial Office for the information of the Commissioners, appointed, in 1846, by Her Majesty's Government, to report upon the disputed Boundary, and made use of by them in the compilation of their map, upon which the Arbitrators in London based their award.

All these maps, together with the map annexed to the award of the Arbitrators, agree in representing but one large River, designated as the Mistoue and Mistouche, between the Redgwick and Matapediac Rivers, having its rise in a Lake named, even in your own Map of Canada, Mistoue.

I believe it will not be disputed that there is in fact but one large River between the Redgwick and the Matapediac Rivers, extending North to the 48th parallel. It is equally certain that it was the intention of the Arbitrators to select a tributary of the Ristigouche River as a portion of the Boundary between the Provinces, which would be intersected by the prolongation of the 48th parallel from the Redgwick River.

The appointment and powers of the Commissioners under the Imperial Act 14 and 15 Vic. cap. 63, and the manner in which they should carry out the award, are thus defined :—

“ It shall be lawful for one of Her Majesty’s Principal Secretaries of State to appoint such person or persons as he may think fit, to ascertain, define, and mark the Boundary Line between the said Province of New Brunswick and the Province of Canada, according to the intent of the said award.”

I confess I cannot see any force in the argument, that because this River has been indifferently called at various times the “ Patabediac,” the “ Patapaqun,” and “ Matamajan,” it cannot therefore be the Mistoue or Mistouche of the Arbitrators, though so termed in all the official authorities to which I have previously adverted.

“ Mr. Attorney General Drummond, in his opinion, states that the names of the Rivers must be taken from the Plan annexed to the award of the Arbitrators, and specially mentioned in the Imperial Act.”

Admitting this opinion to be the criterion by which the Commissioners should be governed in the performance of the responsible duties devolving upon them, I humbly contend that in selecting the “ Mistouche,” Major Robinson and myself have strictly adhered to it, for the following reasons, viz. :—

1st. The small stream known as Tracy’s Brook, which you assume to be the Mistouche of the award, is not even set down on the Map of the Arbitrators, and does not extend to the 48th parallel; nor is this Brook noticed in any of the official documents, which must have been before the Arbitrators, except in Mr. Wells’s Map, No. 3, where it is laid down, but not deemed of sufficient importance to be named; while the “ Mistoue ” is distinctly defined, and occupies upon the face of the Map the exact spot, and is the identical River called by the lumbermen “ Patapjaw.”

2nd. By the Map annexed to the award, it is evident that the Arbitrators selected the only River between the Redgwick and the Matapediac Rivers, which extended as far North as the 48th parallel, which, upon reference to the official Maps before them, they found to be called the “ Mistoue ” or “ Mistouche.”

3rd. The River fixed upon by the majority of the Commissioners is identical with the River laid down both in Mr. Wells and Mr. Bailie’s Maps (previously referred to as Nos. 2, 3, and 4), and named by both the “ Mistoue,” and having its entrance into the Ristigouche River to the Eastward of Still Water Brook.

Now when it is considered that these Maps were drawn up in the offices of the Surveyor Generals of Canada and New Brunswick, prepared under the supervision (and it may be presumed compiled from the most authentic sources) of the two gentlemen selected for their knowledge of the subject, to adjust the Boundary in dispute between Canada and New Brunswick, I submit they are the best authority that the case admits of.

In arriving at the conclusion I have, as to what River should be established as the true Mistouche of the award, not been influenced by any unworthy mo-

tives of obtaining additional territory for New Brunswick, to which she is not justly entitled under the award, and I frankly admit, however strong an opinion I may have formed on this subject, and however much I might have regretted it, still I should have felt it to be my duty to have bowed to Major Robinson's decision had it been averse to mine, well knowing that my Government is anxious to have this long pending and difficult question finally adjusted, without the necessity of a further reference to them.

I have only to add, that I cannot admit that the majority of the Commissioners have deviated from the absolute letter of the Act of Parliament, and in the discharge of this troublesome part of our duty, as well as in every other portion, we have, I conceive, fulfilled it to the letter, though we have been so unfortunate as to differ from you on this point, which I can assure you is the cause of much regret to

Yours, &c., &c.,

(Signed,) A. E. BOTSFORD,
Boundary Commissioner for N. B.

JOS. BOUCHETTE, Esquire,
H. M. Commissioner of Boundary,
&c., &c., &c.

D.

List of Sectional Plans.

One set forwarded to Her Majesty's Principal Secretary of State for the Colonies.

A second set to the Government of Canada.

A third set to the Government of New Brunswick.

SECTION No. 1.

From Point, at the outlet of Pech-la-wee-kaa-co-nies or Lake Beau, marked A, in plan of award, to point one mile due South from the Southern-most point of Long Lake.

SECTION No. 2.

Straight line connecting point, one mile due South from the Southern-most point of Long Lake, with the Southern-most point of Fief Madawaska and Lake Temiscouata.

SECTION No. 3.

From the Southern-most point of the Fief Madawaska and Lake Temiscouata to the River Madawaska.

SECTION No. 4.

Continuation of South-eastern Boundary of Fief Madawaska and Lake Temiscouata to the South-east angle of the Seigniory.

SECTION No. 5.

Meridional Line Northwards, from the South-east angle of the Seigniory, continued from $10\frac{1}{4}$ miles.

SECTION No. 6.

Meridional Line Northwards, from the South-east angle of the Seigniory, continued from $10\frac{1}{4}$ miles to 21 miles.

SECTION No. 7.

Meridional Line Northwards, from the South-east angle of Seigniory, continued for 21 miles, till it reaches the line running East and West, and Tangent to the height of land dividing the waters flowing into the River Rimouski from those tributary to the St. John.

SECTION No. 8.

Line running East and West and Tangent to the height of land dividing the waters flowing into the River Rimouski from those tributary to the St. John.

SECTION No. 9.

Meridional Line Northwards to the 48th Parallel of Latitude.

SECTION No. 10.

48th Parallel of Latitude, from the Meridional Tangent Line towards the Mistouche River, as far as the River Redgwick.

SECTION No. 11.

48th Parallel of Latitude, from the Meridional Tangent Line towards the Mistouche River, continued from the Redgwick River to the crossing of the North Line to the St. Croix Monument.

SECTION No. 12.

48th Parallel of Latitude, from the Meridional Line towards the Mistouche River, continued from the crossing of the North Line and from the St. Croix Monument, to its termination at the Mistouche River.

SECTION No. 13.

The Mistouche River, Southwards from the intersection, by the 48th Parallel, towards the Ristigouche River.

SECTION No. 14.

The River Mistouche continued towards the Ristigouche.

SECTION No. 15.

The River Mistouche continued to the Ristigouche, to Cross Point.

SECTION No. 16.

The River Ristigouche continued from Cross Point.

SECTION No. 17.

The River Ristigouche continued to Upsalquitch River.

SECTION No. 18.

The River Ristigouche continued.

SECTION No. 19.

The River Ristigouche continued to Campleton.

W. R.

Lt. Col. R.E.

A. E. B.

BOUNDARY OFFICE,

Quebec, 22nd December, 1855.

Sir,—I have the honor, in connection with my letter, under date 19th instant, stating for the information of His Excellency the Governor General, that I had dissented from my colleague Commissioners appointed to ascertain and define the Boundary Line between Canada and New Brunswick in regard to the manner of their reporting the Line of Boundary down the River Patapedia, adopted by them as the Ristigouche, to Dalhousie, as the Boundary between those Provinces, intended under the Imperial Act 14 and 15 Vic., cap. 63, to transmit you, herewith enclosed, copy of the correspondence that has taken place between us on the subject of those Islands, together with copy of the Memorandum under date 10th of August last, therein referred to.

I have the honor to be, Sir,
Your obedient humble Servant,

JOS. BOUCHETTE,
H. M. Commissioner.

The Honorable GEO. E. CARTIER,
Provincial Secretary.

BOUNDARY OFFICE,

Quebec, 18th December, 1855.

Sir,—We have the honor to report to you, for the information of His Excellency the Governor General of Canada and the British Provinces, that we have this day made a final Report, accompanied with Plans, of our having ascertained, defined, and marked on the ground the Boundary Line between the Province of Canada and the Province of New Brunswick, according to the intent of the award in the Act of Parliament 14 and 15 Vic., cap. 63.

We have to express our regret that, as will be seen from the enclosed corres-

pondence, our colleague, Mr. Bouchette, has declined to add his signature to those documents. He will, we have reason to believe, make his own Report.

We have the honor to be, Sir,
Your obedient humble Servants,

WM. ROBINSON,
Lt. Col. R. Engineers,
Commissioner of Boundary.

A. E. BOTSFORD,
Commissioner of Boundary.

The Honorable G. E. CARTIER,
Secretary for Canada,
&c., &c., &c.

No. 10.

REPORT of the Honorable Joseph Cauchon, Commissioner of Crown Lands, upon the question in dispute between the Commissioners appointed by the Imperial Government to mark the Boundary Line between Canada and New Brunswick.

The undersigned has the honor to report, on the question in dispute between the Commissioners appointed to run the Boundary Line between Canada and New Brunswick, under the Act of the Imperial Parliament, 14 & 15 Vic. cap. 63.

In order to abbreviate as much as possible, it may be as well to observe at the outset, that the Imperial Act, based upon imperfect information is, in itself, imperfectly irreconcilable in its delineation of the Line of Boundary, with the local features of the Country, and therefore requires an amendment to render its application practicable.

Under these circumstances the differences between the Commissioners become of little consequence, further than they serve to illustrate the facts, that the production of a Boundary, in strict accordance with the meaning of the Act, is impracticable; the supposition that they have power, either by a majority or unanimity, to draw any part of the Boundary contrary to the Act, or to supply any defect in the Act, by creating a Boundary at any point where the Act has failed to provide one, being altogether inadmissible.

The question at issue simply is, that the Imperial Act, at a particular point prescribes the 48th parallel as the Boundary to its intersection with the River Mistouche, and the River Mistouche as the Boundary to its junction with the Ristigouche River; but as the 48th parallel passes beyond the source of the Mistouche, it cannot intersect it, and hence the difficulty. Accordingly, two of the Commissioners, Major Robinson and Mr. Botsford, actuated, no doubt, by a sincere desire to find a practical solution of the question in conformity with the Act, have adopted the next River to the Eastward which the 48th parallel does intersect, and which they conceive meets the requirements of the Act, call it the "Mistouche of the award," and proceed to argue that it is in fact the Mistouche, although they might as well have adopted the next River to the Westward,

which equally complies with the condition of intersection with the 48th parallel. But as this only meets the requirements of the Act in one particular, while in one still more peremptory it fails in conforming thereto, it becomes necessary to glance at the grounds on which their position is based.

The Ristigouche is a River of great magnitude and importance, of which complete surveys seem to have been made at an early period, as appears from the similarity, or rather sameness, of configuration, in all the published maps pretending to any accuracy in detail in that part of the Country, agreeing in this with recent surveys also.

By reference to any or all such Maps, three distinctive features will at once present themselves in the configuration of the River between the Upsalquitch, on the East, and the Redgwick, on the West, which it is impossible to confound with each other in any of the Maps, as the respective features on a man's face. The first is a sharp bend to the Northward, at about 23 to 24 miles (by the course of the River,) above the Upsalquitch. The bend is called "Cross Point" on a recent Map, but the name does not appear on any of the other Maps. It will be convenient for reference however, so to designate it for the moment, premising that it is not to be confounded with Cross Point, in the Township of Ristigouche. The second is a bend to the Southward about 37 to 38 miles (by the course of the River,) above the Upsalquitch, at which bend a stream enters from the Southward, called "Still Water"; and the third is a bend to the Northward immediately above the second, and over 40 miles, (by the course of the River,) above the Upsalquitch, at which a stream enters from the Northward, called, on all the Maps which profess to delineate the details of that part of the Country, the Mistouche or Mistoue.

There is a River called the Patapedia, which, with reference to the three marked features referred to, enters the Ristigouche from the North below "Still Water" bend, and above Cross Point bend, (but nearer the latter,) viz: about 29 miles, (by the course of the River,) above the Upsalquitch, which Commissioners Robinson and Botsford designate the "Mistouche of the award," for the following reasons:—First, that the award of the arbitrators on which the Act is based, implied a River intersected by the 48th parallel, and that there is but one such River between the Redgwick and the Matapedia, which the Arbitrators, (having determined to carry "the Boundary East of the Redgwick)," selected.

Now there is not one word in the Imperial Statute (or the award which constitutes a part of it) to shew that the Boundary must be carried to the East of the Redgwick, except that it must go to the Mistouche; neither is there one word to say that it shall go to any "next River," but simply to the Mistouche. There is no more authority, therefore, to carry it East of the Mistouche than there is for stopping to the West of it, at the Redgwick. The only recognizable authority that carries it East of the Redgwick is the Map incorporated with the Statute, and the same authority is equally peremptory in not carrying it East of the Mistouche, and in carrying it by that River to the Ristigouche, at the bend above Still Water.

The circumstance that the Statute is based on the supposition, since proved erroneous, that the Mistouche crosses the 48th parallel, cannot extinguish the fact that it has enacted the Mistouche as the Boundary, and designated and defined its identity on the Map as the River which extends the Ristigouche at the bend above "Still Water."

2nd. That the River they have adopted as the "Mistouche of the award," is really the Mistouche, according to certain authorities quoted, viz.,—Wells' Map of the disputed territory, Bailey's ditto, Wyld's Map of Canada, Arrowsmith's Map, the Arbitrators' Map, and a United States' Map.

But this position also is untenable and must be rejected, because none of the authorities they themselves have quoted sustain their position, except Mr. Wells', and all those authorities (as well as the authorities they have not quoted), with the exception of Wells and Bailey, concur in the true position of the Mistouche at the bend above or West of Still Water.

With respect to the two authorities, therefore, which differ from all the others, and one of which sustains the position of Commissioners Robinson and Botsford, it is to be remarked that Mr. Wells was employed as Commissioner to report upon the disputed Boundary between Canada and New Brunswick (with which the Mistouche had at that time nothing to do), and in making his Report he submitted Maps in illustration of the points in dispute. Beyond these points his Maps pretend to no accuracy of detail, and are in fact mere index or skeleton Maps, particularly accurate, no doubt, as they affect the points they were intended to illustrate, but mere sketches as they affect the other part of the country.

Had Mr. Wells had occasion to determine the position of the Mistouche, he would have stated his reasons for changing his position from what it appeared on all previous Maps, but his Report makes no mention of the River whatever. This, therefore, the only authority which identifies the Mistouche with the position of the Patapedia, is no authority at all on that point. The other conflicting authority is Bailey's Map, which was got up under similar circumstances, he having been the New Brunswick Commissioner at the time Mr. Wells was Commissioner for Canada. This is also in fact, as affects the features of the country, not connected with the points then under discussion, a mere skeleton Map or sketch, which proves nothing as respects the Mistouche, except that it itself is wrong, for it places the Mistouche neither where it is nor where Messrs. Robinson and Botsford profess to find it. Reference being again had to the marked features in the configuration of the Ristigouche, it will be seen that Bailey's Map places the Mistouche far below or to the Eastward even of Cross Point, the lowest of the three features named, in other words, about ten miles (in a straight line) below the River, contended for by Messrs. Robinson and Botsford, which is itself about six miles (in a straight line) below the bend above Still Water, where the real Mistouche enters (these distances being of course vastly greater by the course of the River. This, therefore, is a poor authority to claim in support of their position, but it affords an excellent proof that these skeleton sketches, on which points, not affecting the question, they are intended to illustrate, may readily be dashed on somewhat at random, are really no authority at all on these indifferent points.

The other authorities quoted are Wyld's Map of Canada, which cannot, at the present moment, be found for reference, but which, instead of sustaining their position, Major Robinson admits as indicating the confluence of the Mistouche with the Ristigouche at the bend above Still Water; Arrowsmith's Map (also unattainable for present reference), but which Mr. Botsford, by trying to explain away, implies as indicating the same point of confluence, viz., the bend above Still Water; a Map by United States Topographical Engineers, also unavailable for present reference, but which Major Robinson admits as indicating the same point of confluence, viz., the bend above Still Water; and finally, the Arbitrators' Map, on which the award and the Act are based, which therefore forms a part of the Act, and on which nothing can be more clear than that the confluence of the Mistouche with the Ristigouche is at the bend above Still Water.

Besides which, the following authorities, not quoted by them, but referred to by the third Commissioner, Mr Bouchette, are equally conclusive:—

1st. Map of the explorations in 1817, '18, '19, and '20, by order of the Commissioners, under the third article of the Treaty of Ghent. This, the earliest Map of reference at present attainable, gives the configuration of the Ristigouche per-

fect, and indicates the discharge of the Mistouche at the bend above Still Water.

2nd. Map by the British and United States Boundary Commissioners, under the Treaty of Washington, indicating the discharge of the Mistouche at the bend above Still Water.

3rd. Saunders' Map of New Brunswick in 1842. This is really a Map in minute details, by the Surveyor General of that Province, indicating the discharge of the Mistouche at the bend above Still Water.

4th. Map by the Commissioners of Boundary, prior to the arbitration and Imperial Act, of whom Major Robinson was one, and *bearing his signature*, with the Mistouche entering *at the bend above Still Water*.

To which may be added Bouchette's old Maps of Canada, constructed when the position of that Mistouche had no interprovincial importance, but was merely of interest as a matter of fact in a topographical point of view.

But apart from all other authority, the Map of the Arbitrators, incorporated with the Imperial Statute, in itself imperatively expresses the meaning of the Act, and indicates the River entering at the bend above Still Water as the Mistouche, thereby enacting it as the Boundary as emphatically as mere words could do.

Major Robinson dwells upon the circumstance of Wells' and Bailey's Maps having been made use of by the Imperial Commissioners appointed in 1846 to report upon the disputed territory in the compilation of their Maps, which last was in like manner used by the arbitrators in making their award. This argument is, however, directly adverse to the view it is intended to support, inasmuch as the Map referred to, places the Mistouche in its true position at the bend above Still Water, by which the Commissioners must have deliberately rejected the errors of Wells and Bailey; and when it is considered that Major Robinson was one of these Commissioners, he is, at least, very inconsistent in now placing the Mistouche so widely different from the position it occupies on the Map bearing his signature, and in the compilation of which he states that the same authorities Wells and Bailey, were used, (and as appears, rejected in that particular,) whom he now quotes in support of conclusions diametrically opposite.

In quoting so many authorities against themselves as to the point of confluence, Major Robinson and Mr. Botsford mean to prove that the Mistouche is a River with its source beyond, or to the North, of the 48th Parallel of Latitude, and without that condition, cannot be the Mistouche; but the now ascertained fact that the Mistouche is not so large as was supposed, cannot, (in the language of these Gentlemen themselves,) extinguish the name and the actuality of the River itself.

It is not to be supposed that the Mistouche originally received its name from its head waters, which were unknown, but the Ristigouche, being a well-known River, at a very early period, its different tributaries must naturally have received their names at their respective confluences with it. It is not, therefore, as if the Ristigouche were just being explored, and vague appellation now being applied to unknown localities.

On the contrary, it appears to have been one of the earliest known Rivers in the Country, and with the energy and singular foresight in the selection of localities which distinguish the early pioneers of this Country; the splendid harbor at its mouth was laid out for the site of a future City, a selection which, considering the fisheries of the Bay des Chaleurs, the excellent soil of the contiguous Country, only now again beginning to be fully appreciated, and the great River entering from the South, would, ere now, have been fully justified, had not the rising Town in the great harbor of the Ristigouche, La Petite Rochelle, even then containing upwards of two hundred houses, been utterly destroyed by Admiral Byron, in 1760. But although the rising prosperity of the place

was thus marred, having been once a well-known section of the Country, it is not at all probable that the names of places have become confused or misapplied in the "popular usage" of the locality. This "popular usage" is not attempted to be denied indeed as respects the Patapedia, is admitted by Major Robinson, the only difference being that the last syllable is made to sound like "jau," a mere local corruption in pronunciation, which also exists, and is made to sound exactly the same in respect to the well-known name in that part of the country of Matapedia, from throwing the whole emphasis on the last syllable.

Thus, then, it is clear that the Ristigouche and the different streams entering it, have been known from the earliest history of the country, and that the River entering from the North at the bend above Still Water and it only, always has been and is known as the Mistouche, and is the River named in the Imperial Act.

The next point to be considered is, the supposed intersection of the Mistouche with the 48th parallel of North latitude,

Various exploratory surveys have been made by sundry Commissioners, Colonial, Imperial, and of the United States, with the view of determining the height of land between the waters discharging into the St. Lawrence and those running in the opposite direction towards the Atlantic and Bay des Chaleurs. On this head it is only necessary to refer to the northerly termination of the Line run due North from the source of the St. Croix, near which it is crossed by the 48th parallel. Thus, then, we find a point on which great interest was concentrated from the very beginning of the controversy between Great Britain and the United States, at which the waters running South to the Ristigouche, North to the St. Lawrence, the due North line, and the intersection of the 48th parallel of latitude therewith, are all contiguous to each other, and are therefore well known and established. From this well-known locality the waters running Northerly were supposed to discharge into the St. Lawrence by the River Metis, and those running Southerly were supposed to discharge into the Ristigouche by the Mistouche.

Up to the time of the award of the Arbitrators and the Imperial Act, the connection had never been traced or explored between the waters at the height of land and their supposed discharge by the Mistouche; but the fact since discovered, on the recent Surveys, that these waters do not discharge by the Mistouche at all, but by another stream (the Patapedia), cannot constitute that other stream the Mistouche.

Two Rivers are known at their confluence with the St. Lawrence as the Rimouski and the Metis. The waters found at the termination of the due North line running North were supposed by the Commissioners to discharge by the Metis, but the connection had not then been traced; and if they had afterwards been discovered to discharge by the Rimouski, who will pretend to say that that circumstance would have changed the name and identity of the Rimouski into the Metis?

Nothing can be more plain, therefore, than that the award and the Imperial Act, illustrated by the Map incorporated with it, mean, on the one hand, the Mistouche as it exists at its well-known confluence with the Ristigouche at the bend above Still Water; and mean, on the other hand, the equally well-known waters at the height of land running Southerly, and known to be intersected by the 48th parallel.

Between that point of intersection, however, and the River Mistouche, the Imperial Statute has not enacted a Boundary, and neither the Commissioners nor the Governments of Canada and New Brunswick, have power to supply the defect, and it therefore becomes necessary that an amended Act should be passed.

The undersigned would respectfully submit, however, that the question as to which Province shall possess the small portion of territory between the Mistouche and the Patapedia is but of small importance compared with the question of legal jurisdiction, which, for the ends of justice, must belong to the one Province or the other, which might be constantly in dispute if any Boundary is made not in conformity with the law.

For instance, if it is carried down the Patapedia, the name of the Mistouche of the award, or any other name that may be given to that River, would not prevent any person who might be cited before the tribunals of New Brunswick for any act done between that River and the River entering at the bend above Still Water, from refusing obedience to Her laws and appealing to the Courts of Canada, or to the Imperial authority, and that (with ample proof of the actuality of the real Mistouche) successfully.

On the other hand, if a Boundary Line is produced between the source of the Mistouche and the 48th parallel of latitude, it would be unsustained by the Imperial Act, which is the only law recognizable on the subject, and would in like manner be a source of disputed jurisdiction where parties might defy the authorities of either Province; nor is the question of such disputed jurisdiction so remote as might be supposed from the present unsettled state of the immediate locality, as in fact, a degree of lawlessness in the lumber trade has existed in that vicinity for some time, which an effort is now being made to check, and which might give rise to such a case at any moment.

A Line from the 48th parallel to the source of the Mistouche would indeed be the construction most nearly in conformity with the intention of the Act; but still the fact would remain, that although constructively the only interpretation the Act is susceptible of, such a line is not literally enacted, and is not therefore the law, and would consequently still leave a point in dispute.

The undersigned, would therefore respectfully recommend that an Order in Council be passed, authorizing an application to the Imperial Government to procure an amendment to the Act 14 & 15 Vic. cap. 63, to the effect that the Boundary between Canada and New Brunswick after passing from the Ristigouche by the centre of the stream of the Mistouche to its source, shall extend from the source of the said River Mistouche by a Meridional line due north to the intersection of the said line with the 48th parallel of North latitude; representing at the same time however that the territorial question involved is not of such importance as to create any serious obstacle to the adoption of the Patapedia for the Boundary, provided the present law is so far repealed as to admit of it, and that river is so designated as to leave no grounds for further doubt or uncertainty.

Respectfully submitted,

(Signed,) JOSEPH CAUCHON,
Commissioner of Crown Lands.

CROWN LAND DEPARTMENT,
Quebec, 5th September, 1855.

See accompanying Maps and Plans marked A, B, C, D, E, F, and G.

- A. Trace of part of the River Ristigouche, surveyed by authority of the Government of New Brunswick.
 - B. Part of a map of the Province of New Brunswick, compiled from recent surveys, by John Simcoe Saunders, Surveyor General.
 - C. River Mistouche or Mistoue, called by Lumbermen "Tracy's Brook," from its mouth on the Ristigouche River to its source in the highlands south of Pollard's Brook, on the west branch of the River Patapedia. Explored in the months of July and August, 1854, by Joseph Bouchette, Esquire, Her Majesty's Commissioner.
 - D. Plans of the Parishes of Addington and Eldon, County of Gloucester.
 - E. Map of a portion of Her Majesty's Dominions in North America, to accompany and illustrate the Report of Her Majesty's Commissioners for the settlement of the Boundary Line in dispute between the Provinces of Canada and New Brunswick.
 - F. Plan of the River Ristigouche from the Mistouche to Cross Point, surveyed under instructions from the Commissioners for determining the Boundary between Canada and New Brunswick, by F. T. Blaiklock, Esquire, Deputy Provincial Surveyor.
 - G. Map to illustrate a scheme for settling the Boundaries of Canada and New Brunswick, referred to by Stephen Livingston and Travers Twiss, Esquires, in their Report to Earl Grey, 17th April, 1850.
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No. 11.

**REPORT of Joseph Bouchette, Esquire, Commissioner of
Canada, under the Imperial Act 14 & 15 Vic. cap. 63,
in reference to the Boundary Line between the Pro-
vinces of Canada and New Brunswick.**

QUEBEC, 29th April, 1855.

Sir,—When I did myself the honor of transmitting, in November last, the Joint Report of the Commissioners appointed under the Imperial Statute 14 & 15 Vic. cap. 63, to ascertain, define, and mark the Boundary Line between the Provinces of Canada and New Brunswick, I respectfully intimated that I would lay before His Excellency the Governor General, a full Report in reference to the difference of opinion which has arisen between a majority of the Commissioners and myself, as Commissioner for Canada, on the subject of that part of the Boundary relating to the River Mistouche or Mistoue, as involving a question of the highest importance, as regards the limit of jurisdiction between these Provinces on the Ristigouche, and of considerable interest in a territorial point of view to this Province; and I now beg leave respectfully to submit the following statement and Report for the information of His Excellency the Governor General:—

Under the 2nd, 3rd, and 4th Paragraphs of the Joint Report of the Commissioners above mentioned, it is stated as follows:—

“2nd.—Two of the Commissioners proceeded up the River Mistouche of the “Arbitrators’ Map, and established, by Astronomical Observations and measurement, the point where it was intersected by the Parallel 48°.”

“3rd.—The Commissioner for Canada, differing with them in opinion, proceeded “to explore a stream more to the Westward, which, in his opinion, he conceived “to be the true Mistouche.”

“4th.—He found, however, that it would not comply with the conditions specified in the Imperial Act, inasmuch as it did not extend sufficiently to the “North to be intersected anywhere by the 48th Parallel.”

According to the award of the Arbitrators mentioned in the first Article of the Document No. 1. Imperial Act, and agreeably to the Plan referred to in the award, the River Mistouche or Mistoue forms part of the line of Boundary between Canada and New Brunswick; and whereby Her Majesty’s

Secretary of State for the Colonies is authorized to appoint such person or persons as he may think fit, to ascertain, define, and mark the Boundary Line between the said Province of New Brunswick and the said Province of Canada, according to the intent of the said award.

With the Plan of the Arbitrators in hand, and an intelligent Indian from Madawaska, the same that had accompanied Mr. F. W. Blaiklock, the Surveyor of the Commission on the survey of the Ristigouche, as my guide, I repaired in June last to the Ristigouche for the purpose of meeting my colleague Commissioners at the River Mistouche, whereof they were informed, instead of at Campbellton, as previously agreed upon; and having with the corroborative information obtained from the aborigine Indians, and the settlers on this River, I easily identified the mouth of the River Mistouche, called also on the Surveyor General's Map of New Brunswick, Tracy's Brook, under which name it is better known by Lumbermen on the Ristigouche, and there established my Observatory Station for future operations, expecting to be soon joined by my colleague Commissioners.

Information, however, having reached me that the Commissioners had already ascended another stream some $11\frac{1}{2}$ miles below this River, called the Petamediac or Patapedia, I accordingly proceeded to a depot at the mouth of that River, and there learned that the Commissioner for New Brunswick had established his Observatory Station some 22 miles up the River, and that the third Commissioner was expected daily from Frederickton.

The Commissioners ultimately met together at the mouth of the Patapedia, called by lumbermen "Patamaja," which the Commissioner for New Brunswick and the third Commissioner were of opinion was the River Mistouche of the award of the Arbitrators, and represented on their Map, while I objected to the adoption of the River Patapedia for the Provincial Boundary, inasmuch as in my opinion the River Mistouche, called by lumbermen Tracy's Brook, and which I had partially explored, was the true River of the award of the Arbitrators, as shewn on their Plan and other authentic Maps.

It was, however, arranged that I should continue the exploration of the River Mistouche, whilst the majority of the Commissioners would continue their observations on the River Patapediac, if they saw fit.

The exploration of the River Mistouche or Tracy's Brook, upwards of 30 miles above its entrance into the Ristigouche, enabled me to ascertain its general course, with its numerous tributaries, and trace its source to a small pond in North latitude $47^{\circ} 55'$ nearly (deducted from astronomical observations taken with Ramsay's sextant, reading by Vernier

to 10", and time determined by one of Dent's chronometers, No. 2071), and consequently that the waters of the Mistouche (Tracy's Brook) would not be intersected by the 48th parallel.

In communicating this result to my colleague Commissioners, I contended that although thus failing in fulfilling the implied condition of the Act of Parliament, the stream, as explored, was the true Mistouche, even admitting the possibility of an error in the Map of the Arbitrators, and no other stream, although complying in this respect, could in my opinion be adopted as the Provincial Boundary without an alteration in the Act of Parliament in virtue whereof the Boundary was to be established.

In support of the opinion thus submitted for the consideration of the Government of Canada, I would beg leave to adduce certain public records and documents of indubitable authenticity, which all agree to point out and identify the River Mistouche explored by me, as the River mentioned in the award of the Arbitrators, to form part of the Line of Boundary between the Provinces of Canada and New Brunswick. Before doing so, it may not be unimportant to give a description of the River Mistouche, its geographical position, its extent and history; and the same of the River Patapedia.

The River known under the Indian appellation of "Mistouche" or "Mistoue," likewise known as "Tracy's Brook," is a stream of no inconsiderable importance, being upwards of two chains (132 feet) wide during the high state of the waters in spring, and $1\frac{1}{2}$ chains in summer, and of the principal tributaries of the Ristigouche only yields to the Matapedia for the amount of water it discharges.

The Mistouche or Mistoue River irrigates a larger extent of country than any other tributary of the Ristigouche, proportionate to its dimensions, namely, some 210 square miles, owing to the numerous branches it throws off and which have their sources in the high lands to the West and the North-west of it.

The first, a branch of some five miles in extent, entering on the East side about two miles from the Ristigouche rising on the westerly face of the hills which border on the River Patapedia.

The next branch apart from several brooks which discharge themselves on both sides of the Mistouche or Mistoue obtains the name of the forks. The main River descending from the North-north-west and North-west, presenting at its junction with the west branch called Beaver Brook, several large islands or delta. Beaver Brook at the forks is about one chain wide, and rises towards the West-north-west in the same hills with the head-waters of McDougall's Brook, a large tributary of the River Redgwick; and to the north with the head-waters of Pollard's Brook, the only tributary of the Patapedia or Petahaja, South of the 48th parallel.

The River Mistoune in the parlance of lumbermen has been "drove" for lumber more than any River of its size on the Ristigouche waters, manifest by the numerous lumber camps established on its banks, and lumber roads by which the country and its vicinity is intersected. About five miles above these forks is another large stream, called Hail's Brook, discharging on the East side and heading near Pollard's Brook. About six miles above the forks the River becomes unfit for canoes, from the numerous rapids and rocks with which the channel is obstructed.

The highest Lumber Camp lies some 20 miles from the mouth of the River, whilst the source of the Mistouche is scarcely more than five miles farther North, in a small pond, in Latitude $47^{\circ} 45'$ nearly. The first Lumberer of remark who cut timber on this River, under permits from the Canadian Government, and cleared the stream for "driving," was named Tracy, from whom the stream derived, and still retains, the name of "Tracy's Brook," under which appellation it is better known in the Surveyor General's Office of New Brunswick. Tracy built camps, made roads, and employed a number of hands for several years in the manufacture of Square Timber, facts which are well known to the settlers on the Ristigouche, and the Indians of the Mission of Ristigouche.

From the Ristigouche to the Forks, the River affords easy navigation for laden scows and boats towed by horses or cattle, whilst there is a good lumber road leading from the Ristigouche several miles beyond the forks, and along the main branch, passing by the different camps.

The River Mistouche or Mistone, likewise called Tracy's Brook on all the Plans furnished the Commissioners by the Honorable Mr. Wilmot, Surveyor General, N.B., is better known than any other River or tributary of the Ristigouche, from the larger amount of lumbering business that has been carried on upon it for years; its position has been, consequently, better marked on the Maps of the Arbitrators, as well as on all the Maps of the Surveys of the Ristigouche known and admitted as documents of official reference; and, therefore, the circumstance of its superior capabilities for the manufacture of square timber, and lumbering pursuits generally, will, in some measure, account for the name of the River having been assumed by the Arbitrators, for the Provincial Boundary of their award.

The River Patapedia,* Patawediac, or Patamaja, as called by the lumbermen, is a large stream discharging from the North-west into the River Ristigouche, nine miles below Still Water Brook, according to Mr. Hunter's survey of the River Ristigouche, or $11\frac{1}{2}$ miles below the Mistouche or Tracy's Brook, which also accords with the Official Maps of the River Ristigouche, furnished the Boundary Commission from the Surveyor General's Office of New Brunswick.

* Which means the River of Burnt Wood.

This River has an Island at its mouth, and is upwards of three chains wide, averaging one and a half chains wide to the Forks of Pollard's Document No. 8. Brook, and thence to the 48th parallel one chain wide. Its only tributary worthy of notice is Pollard's Brook, a fine stream entering from the West, 17 miles above the mouth of the Patapedia, and heading with the sources of the Metis to the North, and McDougall's and Mistouche Rivers to the West and North-west.

Some lumbering has been carried on on both sides of the River, more especially in the vicinity and above Pollard's Brook.

The River Patapedia is navigable for flat bottom boats and scows for 25 to 30 miles; from thence for canoes only for 15 or 20 miles North of the latitude 48°, where it separates into inferior branches, heading with the waters of the Metis and Ristigouche Rivers.

From the above description, it will be apparent that the River Patapedia does not irrigate South of the 48th parallel, and extent of territory equal to the Mistouche River or Tracy's Brook, and not consequently affording the advantages in that respect for lumbering purposes offered by the Mistouche, which in a manner accounts for the inferior notoriety of the River, and of its omission on the plan accompanying the award of the Arbitrators, and other public maps.

On this plan the Line of Boundary is clearly delineated by a red shade along the 48th parallel, intersecting a River called Mistoue, which discharges itself into the Ristigouche at a remarkable elbow of this River, and situate at a still more remarkable bend of the Ristigouche, where a rapid stream discharges from the South, called Still Water Brook; the mouth of the Mistone or Tracy's Brook, by the course of the Ristigouche according to the scale of the map of that River obtained from the Surveyor General's Office, N. B., being about 41 miles above the Upsalquitch, and corresponding with the Trees marked with the number of the miles observed along the River.

In thus claiming for the Provincial Boundary, the River Mistouche or Mistoue explored as the real Mistouche of the award of the Arbitrators. I beg to adduce corroboratively with the plan of the award, the undermentioned public maps and authorities.

Map. 1st. A Map signed by W. F. Odell, Esquire, Surveyor under Document No. 4. the fifth Article of the Treaty of Ghent, 1823.

This Map, which is of unexceptionable authenticity, lays down the River Mistouche in precisely the same graphical position as that represented on the Plan of the award, indicating the corresponding bend of the Ristigouche where the Mistouche discharges into it,—leaves no doubt that the River Mistouche on Mr. Odell's Map is identical with the Mistoue on the Plan.

2nd. The second is a Map of the Boundary Line compiled by the British Commission, from 1843 to 1846. Here, again, the entrance to the River Mistouche into the Ristigouche is laid down with the same exactness as on the foregoing Map and Plan of the award.

3rd. The third document is a Map of the Province of New Brunswick, compiled in 1842, from recent surveys and the latest astronomical observations, and dedicated to His Excellency Sir John Colbrooke, Lieutenant Governor, by John Simcoe Saunders, Esquire, Surveyor General.

This Map, besides indicating the position of the mouth of the River Mistouche, and agreeing with the foregoing authorities, is the more important as identifying the Indian name of Mistouche with its modern name of Tracy's Brook, whilst it is worthy of remark, that no mention, either in this or the previously cited Maps, is made of the River Petapedia.

4th. The fourth is a Map of a portion of Her Majesty's Dominions in North America, to accompany the Report of Her Majesty's Commissioners for the settlement of the Line of Boundary between the Provinces of Canada and New Brunswick, in 1848.

This Map, like the previous documents, represents the River "Mistouche" by name, having its mouth in the Ristigouche, under the same graphical delineation. To which Map increased importance must be attached, from the circumstance that the author of the Map is the third Commissioner on the present service.

5th. The fifth document is a trace of the Map of the State of Maine, with the adjacent Province of New Brunswick (third edition), published in 1841, by Moses Greenleaf.

A trace of this Map is subjoined, as being the first and only Map pointing out the relative position of the Rivers Mistouche and Pedawequack or Petepedia, corroborating an Indian draught of the River Ristigouche, its tributaries.

6th. The sixth document is a Map published by myself, then Deputy Surveyor General of Lower Canada, in 1831, from the best authorities then obtainable. The geographical positions of the Mistouche, as taken from the New Brunswick Maps, agreeing very nearly with those represented in the previously mentioned Maps and the Plan of the award.

7th. The seventh is the Indian draught above alluded of the Ristigouche and its principal Tributaries, obtained at a Council of the Indians of Ristigouche, held at the house of the Chief, at my instance as Commissioner for Canada, on the 27th October last. This sketch, rough as it appears to be, together with the replies of the Chiefs, given through their interpreter, established, beyond a question of doubt, the primitive names of the Rivers Mistouche and Petapedia, as located on the sketch, to be two distinct streams, which have been always known by the names they now bear, and which Rivers, since the business of "lumbering" has been commenced, have received the names respectively of Tracy's Brook and Potamaja.

8th. The eighth Document is the Plan of actual survey of the Ristigouche, returned by Mr. Blaiklock, principal Surveyor under the present Joint Boundary Commission. This Plan, which forms the third section of the Plan of the Ristigouche River from the Redgwick River to the Upsalquitch, is the result of a careful angular survey of the Ristigouche, and exhibits the position of the River Mistouche in latitude $47^{\circ} 46' 20''$, and of the position of the River Petapedia or Patapaja, in latitude $47^{\circ} 51'$ nearly.

This Plan was preceded by a Report of Survey communicated to the Commissioners, establishing the distinct characters of both Rivers.

A trace of the Plan of actual survey, performed by Hunter, Surveyor, of New Brunswick, shewing the relative position of the mouth of Tracy's Brook, and River Petapedia. This document is of the more importance, as its general accuracy is certified by the Surveyor General of New Brunswick, the Honorable Mr. Wilmot.

A Map of the disputed Territory between Canada and New Brunswick, by Thomas Bailie, Esquire, Agent for Canada in 1843. This Map lays down the River Mistouche, but without the least regard to graphical precision or delineation, and makes no mention of the River Patapedia.

Upon an impartial review of the foregoing authorities, it will be found that the position of the Mistouche, identified as Tracy's Brook, unmistakeably corres-

ponds with the Plan of the award in so far as regards the mouth of that stream in the River Ristigouche; no other tributary can be taken for it that is not already known in the official records of both Provinces.

Having, on the occasion of being in Quebec, in the summer of 1854, to place the Maps of the Boundary service in a state of preparation, intended to accompany the Report of the Commissioners, communicated in a letter to the Honorable L. T. Drummond, Attorney General for Lower Canada, the difference of opinion that had arisen between the majority of the Commissioners and myself, with reference to the Mistouche River, in which I briefly stated the grounds upon which I opposed the adoption of the River Patapedia as part of the Provincial Boundary, which the majority of the Commissioners had assumed as the Mistouche of the award of the Arbitrators; I was honored with a reply from the Crown Law Department, a copy of which was immediately transmitted to the third Commissioner, to be communicated to the Commissioner for New Brunswick, each of whom favored me with their replies, setting forth the grounds upon which they rested their adoption of the River "Patamaja" of the lumbermen, as the River Mistouche of the award of the Arbitrators.

The reasons assigned by the Commissioner for New Brunswick for the adoption of the River Petapedia as the River Mistouche of the award of the Arbitrators, appear to be summarily that the River Mistouche of the award was intended to be a River of such magnitude that would reach the 48th parallel of latitude.

That the River Mistouche contended by the Commissioner for Canada as the River which is to form part of the Provincial Boundary between Canada and New Brunswick is an insignificant stream known as Tracy's Brook, and does not attain the 48th parallel.

That the River called Mistou on Alphonso Wells' map, and known by Lumbermen by the name of Patopeja or Patamaja, and joins the River Ristigouche some miles to the Eastward, or before Still Water Brook, is the River of the award of the Arbitrators, agreeing with a map of the Honorable Thomas Bailie, of the territory in dispute between Canada and New Brunswick in having but one River drawn between the Redgwick and Matapedia; the only error seeming to be, its entrance into the River Ristigouche is represented as being further to the West than is found to be the case upon a more accurate survey.

That the River fixed upon by the majority of the Commissioners is identical with the River laid down both on Mr. Wells' and Mr. Bailie's maps, and named by both the Mistoue, having its mouth on the Ristigouche River to the Eastward of Still Water Brook.

That these Maps drawn up in the Offices of the Surveyors Generals of Canada and New Brunswick are submitted as the best authority of which the case admits.

That the decision of the majority of the Commissioners accord with the opinion of the Honorable Mr. Attorney General Drummond in the case submitted by the Commissioner for Canada in respect to the difficulties of opinion that has arisen between him and the majority of the Commissioners.

In respect to the first and following grounds of objection, I would beg to observe, that with the maps of the Ristigouche River before them the Arbitrators naturally adopted, as the Boundary between the two Provinces, the River more generally known and accordingly represented on those maps under the name of Mistouche or Mistoue, never doubting but that such River would be intersected by the 48th parallel of latitude.

Looking at the Arbitrators plan the only legal authority pointed out in the Act of Parliament for the guidance of the Commissioners, the River Mistouche or

Mistoue is drawn in its exact position as respects its entrance into the Ristigouche, as ascertained in the field, and its course bearing generally West-north-west, as on the Arbitrators' map. Could it have obtained the 48th parallel it would have intersected that parallel in the vicinity of the St. Croix, due North line; but, as has been previously stated, this River throws off so many branches within 20 miles of its mouth that its waters do not reach that latitude.

This circumstance could not be apprehended by the Arbitrators before an actual survey would ascertain the fact.

The River Mistouche or Mistoue, on the map of the Arbitrators, has its mouth West of, and above, Still Water Brook, on the opposite side of the Ristigouche, but is called by Lumbermen "Tracy's Brook." It must be here remarked that it is customary among Lumbermen in New Brunswick to call Rivers generally by the name of "Brook," which indeed does convey an impression of insignificance.

Even admitting the fact of insignificance compared with larger tributaries of the Ristigouche, such as the Matapedia or the Redgwick; had Tracy's Brook had its mouth in the latitude of the Petapedia, the pond at its source would have laid North of the 48th parallel of Latitude.

The Commissioner for New Brunswick contends that the River called Patapaja, as laid down in Mr. Wells' map, and on that of Mr. Bailie's is the same River Mistoue laid down on the plan of the Arbitrators, while the small stream known as Tracy's Brook is not set down in the Map of the Arbitrators. Now, according to the actual survey of the River Petapedia, by Messrs. Blaiklock and Ramsay, and to the Astronomical Observations taken on that River by the Commissioners, the junction of that River with the Ristigouche lies in Latitude $47^{\circ} 51'$ nearly, and Longitude $67^{\circ} 29'$ West, that is to say, $4\frac{1}{2}$ geographical miles further North than the mouth of the River Mistouche drawn on the plan of the award of the Arbitrators.

The River assumed by the majority of the Commissioners as the Mistoue of the award, is therefore totally at variance in geographical position with the River Mistoue on the plan, apart from the River bearing a different name and otherwise being a distinct River, whilst the River Mistouche or Tracy's Brook corresponds in latitude and longitude with that shewn on the plan.

Then, again, the mouth of the Patapaja is $21\frac{1}{2}$ miles below the Redgwick, and nine below and East of Still Water Brook, while there is a difference of $11\frac{1}{2}$ miles between the mouth of the Patapedia and Mistouche Rivers, and consequently reduces, by as many miles, the frontage on the Ristigouche, of Canada.

It is adduced as one of the reasons why the River Mistouche or Tracy's Brook should not be adopted as part of the Provincial Boundary, under the award of the Arbitrators, that that River does not reach the 48th parallel of latitude.

It has been thereupon remarked, that the source of the River Mistouche or Tracy's Brook, as "ascertained" by exploration, does not attain Document No. 17. the 48° of latitude, falling short of that parallel by about five geographical miles. This implied condition would not, however, appear to justify the adoption of a stream other than the one named in the Act of Parliament, because such other River does reach a required latitude, while it fails in respect of position on the Ristigouche, which the majority of the Commissioners attribute to an error of information, an error which they consider themselves empowered, under the joint Commission, to determine and rectify.

In my humble opinion, the Act of Parliament grants no such power to the Commissioners. The appointment emanates, under an Imperial Act, from the Right Honorable the Secretary of State, without any implied or direct instructions, that in the event of a difference of opinion between the Commissioners, a decision by a majority of them would be good and valid in law.

Under the joint Commission from the Right Honorable Sir-John Packington, Secretary of State, under which Lieutenant Colonel (then Major) Robinson, Royal Engineers, the Honorable A. E. Botsford, and myself, were appointed in virtue of the Imperial Act 14 and 15 Vic. cap. 63. The duties and powers assigned to them appears in the following words:—"To ascertain, define, and mark the Boundary Line between the said Province of New Brunswick and the said Province of Canada, according to the *intent* of the said award."

Under that award the River Mistouche is intended to form part of the Boundary Line, and is to be drawn and delineated on the Plan of the Arbitrators, specially referred to in the Act of Parliament, on which Plan the River is called "Mistone." Such a River is likewise named in Mr. Wells' Map, invoked by the majority of the Commissioners, but on none of the documents stated by them as official is the River Patamaja named, yet the River assumed by the Commissioners as the River of the award of the Arbitrators actually bears and has ever borne the name of the Petapedia; and licenses to cut and manufacture square pine timber on such River, Petapedia, have been granted for upwards of a quarter of a century to lumbermen of both Provinces of Canada and New Brunswick.

To persons unacquainted, as were the Commissioners personally, with the River Mistouche, their first step would naturally lead them to "ascertain" and identify the position of the River by proper guides, and by consulting the oldest settlers, on the Ristigouche, and by comparing the latitude and longitude of the River, found by observation, with the geographical position on the Plan, and satisfy themselves that the River pointed out as the River Mistouche or Mistoue, whether bearing the more recent name of Tracy's Brook, did or did not correspond with the intent of the award.

If the River thus pointed out did correspond within reasonable exactness with such authentic Map as guide, we should then have proceeded to trace that River to the 48th parallel. If it did reach that latitude, then would it have complied with all the conditions required under the Statute; but, on the other hand, should its waters not have attained that latitude, the question for deliberation would have arisen, whether the adoption of some other stream, although such other stream would be found to fulfil the conditions stated as above deficient, yet would happen to conflict not only in its graphical and geographical positions shewn on the Map, but also in the name of the River indicated to constitute the Line of Boundary, would be considered as authorized by the Act defining such Line of Boundary, were even the whole Commission agreeable to such a measure.

In abstaining for the present to record my dissent to any affirmative interpretation to be drawn from the joint Commission, I would beg leave to submit a few

Document No. 20.

remarks in reference to the grounds taken by the third Commissioner, communicated in his letter dated Mount Elgin, Redgwick, already alluded to, in supporting the opinion of the Commissioner for New Brunswick, that the River fixed upon and marked out by the majority of the Commissioners as being the true River Mistouche of the Arbitrators, and

Document No. 21.

of the Map accompanying their award, as not only founded upon the magnitude, length of course, and breadth of the stream, but also upon the official Maps drawn up in the offices of the Surveyors General for Canada and New Brunswick, &c., &c., &c.

I take leave to remark, that no Maps were prepared in the Surveyor General's office of Canada on the occasion of the Commission appointed in 1846, by Her Majesty, to report upon the disputed Boundary between Canada and New Brunswick as Canada does not appear to have been consulted or called upon to produce any documents in support of its legal rights to the Line of Boundary it claimed

Document No. 22. under the Treaty of Paris, 1763, and Quebec Act, 1791, an exclusion which was adverted to in 1851 by the then Assistant Commissioner of Crown Lands of this Province, in his letter in reference to the Report of the Royal Commission.

The only evidence of the meaning and intent of the Arbitrators, when they fixed the Line of Boundary between Canada and New Brunswick, is obtained from the Plan accompanying the award, bearing the signatures of the majority of the Arbitrators, which Plan, upon a scrupulous examination of its construction, appears to have been carefully and scientifically compiled from New Brunswick sources of information and authorities, and more especially from the Map accompanying the Report of the Royal Commission hereinbefore cited. According to the Plan of the Arbitrators and the Official Authorities, herein cited, the geographical position of the entrance of the River Mistoue, (Tracy's Brook,) into the Ristigouche, appears as follows:—

AUTHORITIES.	LATITUDE.	LONGITUDE.	REMARKS.
	° ' "	° ' "	
1.—Map of the Arbitrators	47.46.10	67.27.00	The Mean Latitude accords nearest with the Map of the Arbitrators. The Mean Longitude of 5, 6, 7, agrees with 1, 2, 3, 4, by deducting the difference of Longitude of Quebec, observed by Captain Bayfield; and the Longitude of Quebec, observed by Commission under the Treaty Washington.
2.—Map of the Royal Commission	47.45.10	67.27.45	
3.—Map of New Brunswick.....	47.47.15	67.27.30	
4.—Map of United States Boundary Line, British Commission	47.46.00	67.27.30	
5.—Map of the Deputy Surveyor General, L. C., 1831	47.46.20	67.32.00	
6.—Map of the Deputy Surveyor General of Canada East, Crown Land Department, 1846	47.46.30	67.32.30	
7.—By Observation	47.46.19	67.32.00	
Mean Latitude	47.46.06		

The third Commissioner, admitting the fact that there was, however, a difference in the position of the River Mistouche, called "Petamaja," on the Map of the United States' Topographical Engineers, published at Washington in 1845, and the position of that River on the Map of the Arbitrators, inasmuch as the entrance of that River into the Ristigouche on the former, is further to the Eastward than is represented on the latter Map, yet considers the difference unimportant, especially when represented upon the small scale of the Map, and remarks that "these discrepancies do not extinguish the name and the actuality " of the River itself."

This I humbly conceive, applies more directly as an argument, in maintaining for the River Mistoue its actuality, under the name of Tracy's Brook, while it is equally admitted, that where some natural Boundary has been assumed, whether stream or mountain chain, as the limit between two countries, such stream, however insignificant before, acquires importance by the act of being so selected. Hence, even Tracy's Brook, if it were ascertained to be the desired River under the Indian name of Mistouche or Mistoue, its actuality and identification should not be affected by any defect or discrepancy which may be discovered upon further or more minute survey.

The fact of these errors or discrepancies would however have been more strikingly apparent had the Commissioners commenced operations at the Redgwick River as I took occasion of suggesting at our first meeting, inasmuch as the first waters intersected by the 48th parallel running Southward, would have been those of the Petapedia, and then following the waters down to the Ristigouche, have then ascertained from the Settlers, Indians, and Lumbermen of the country around, that the River thus followed down was the River Petapedia or Patamaja, nowhere mentioned in the Act of Parliament, whilst the River Mistouche or Mistoue would have been pointed out to us as emptying into the Ristigouche above Still Water Brook, and about $11\frac{1}{4}$ miles above the Petapedia.

The majority of the Commissioners have nevertheless adopted the Petapedia or Patamaja River as part of the Provincial Boundary, with the admission of "error" either in the name of the stream intended by the Arbitrators, or in the delineation of the River on the map accompanying their award.

From the foregoing statement of facts establishing the actuality of both those Rivers, namely, of the Mistouche or Mistoue, and Petapedia as distinct tributaries of the Ristigouche; the former otherwise known by Lumbermen by the name of "Tracy's Brook," is found to accord with the map of the Arbitrators in name, geographical position, and general course, its only deficiency in complying with all the conditions intended by the Act of Parliament, being, that its source does not reach the 48th parallel, while the latter River, called by Lumbermen, "Patamaja," is at variance in name, geographical position, and situation on the Ristigouche and course (especially in adopting its Easterly branch) with the plan referred to in the Act of Parliament.

One feature common to both Rivers, is that the River Mistouche, as now ascertained, runs nearly parallel with the general course of the River Petapedia, at an average distance of about five miles to the source of the former, and that a line drawn in the manner pointed out by the Honorable L. T. Drummond, (in illustration of the opinion he gives in the case submitted to him as hereinbefore mentioned) due South from the 48th parallel to the source of the Mistouche would approach within a short distance of the Petapedia, where the Iron Monument has been planted on the River by the majority of the Commissioners.

The area contained between these Rivers would be about 56,000 to 60,000 acres of land, acquiring importance from the frontage of $11\frac{1}{4}$ miles on the Ristigouche, joined to the advantage of possessing within the territory of Canada the communication by the Metis and Petapedia Rivers, from the St. Lawrence to the River Ristigouche.

On the other hand, it is not inappropriately alleged that the River Petapedia offers the advantage of a continuous River Boundary from the 48th parallel to the Bay des Chaleurs, which, no doubt, the Arbitrators in their award designed on the Plan referred to, and contemplated that the River Mistoue would obtain, to all intents and purposes.

The fact of the actuality of these two Rivers being distinct and separate tributaries of the River Ristigouche,—one the River Petapedia, called Patamaja by lumbermen, adopted for the Provincial Boundary by the Commissioners, or a majority of them, as the River Mistouche or Mistoue, while the River Mistouche, called by lumbermen Tracy's Brook, is wholly set aside, will necessarily and inevitably lead to many disputes and litigation, which may call into question the legality of the decision come at by the Boundary Commission, in adopting a River having a name foreign to the Act of Parliament, whatever may be alleged of "errors" of "name," or "want" of "proper survey," when the River Mistouche was fixed upon by the award as the Boundary between Canada and New Brunswick. And I respectfully urge

the attention of His Excellency the Governor General to the subject, as the final decision in this important matter will, at the same time, determine the limit and jurisdiction between these Provinces, irrespective of the names of the Rivers Petapedia and Mistouche, the identification or actuality whereof have been established as distinct tributaries of the River Ristigouche.

Having thus enumerated, probably at more length than I contemplated, the grounds upon which I rest my opinion, that the River Mistouche, explored by me to its source, is the real Mistouche of the award of the Arbitrators, and which I consider ought to form the Boundary with Canada and New Brunswick, agreeably to the Imperial Act herein cited; and while regretting differing with my colleague Commissioners in this respect only, I most respectfully beg leave to submit the decision of the subject of difference to His Excellency the Governor General in Council.

I have the honor to be, Sir,
Your most obedient Servant,

(Signed,) JOS. BOUCHETTE,
Commissioner for Canada.

DOCUMENTS accompanying the Report of Joseph Bouchette, Esquire, Her Majesty's Commissioner for Canada, in respect to the River Mistouche to form part of the Boundary Line between the Provinces of Canada and New Brunswick. Imperial Act 14 & 15 Vic. cap. 63.

A.

BY AUTHORITY.—IMPERIAL PARLIAMENT.

ANNO DECIMO-QUARTO AND DECIMO-QUINTO.—VICTORIÆ REGINÆ.

CAP. LXIII.

An Act for the Settlement of the Boundary between the Provinces of Canada and New Brunswick.

[7th August, 1851.]

WHEREAS, certain disputes have existed respecting the Boundary Line between the Provinces of Canada and New Brunswick, in North America; and pending such disputes, certain feuds have arisen from the disputed territory, and have been received by the Governments of such Provinces respectively. And whereas, with a view of the settlement of such disputes, the Governor General of Canada, and the Lieutenant Governor of New Brunswick, by the advice of their respective Councils, agreed that the matter in dispute should be referred to Arbitrators, who should be directed to report to Her Majesty's Government,

and that such Governor General, and Lieutenant Governor, should each name an Arbitrator on behalf of the said respective Provinces, and that such Arbitrators should name a third Arbitrator; the award to be made by the three Arbitrators, or any two of them; and it was also agreed by such Governor General and Lieutenant Governor, with the advice aforesaid, that the net proceeds of the fund in the hands of the said Governments, arising from the disputed territory, should be applied, first, to defray the expenses of the Arbitration; second, to defray the necessary expenses of running the (Boundary) Line as settled (in case such funds should prove insufficient, the expenses to be borne equally by the respective Governments); and third, the balance of such funds to the improvement of the land and water communications between the Great Falls of the Saint John and the Saint Lawrence; and whereas, in pursuance of the agreement in this behalf, the Governor General of Canada named Thomas Falconer, Esquire, to be one of the said Arbitrators, and the Lieutenant Governor of New Brunswick named Travers Twiss, Doctor of Laws, to be another of the said Arbitrators; and the said Thomas Falconer and Travers Twiss named the Right Honorable Stephen Lushington, Judge of the Admiralty Court, to act as the third Arbitrator. And whereas, on the seventeenth of April, one thousand eight hundred and fifty-one, the said Stephen Lushington and Travers Twiss made an award concerning the said Boundary, and transmitted the same, together with a Plan therein referred to, to the Right Honorable Earl Grey, one of Her Majesty's Principal Secretaries of State, and such award is in the following terms:—

That New Brunswick shall be bounded on the West by the Boundary of the United States, as traced by the Commissioners of Boundary under the Treaty of Washington, dated August, 1842, from the source of the Saint Croix to a point near the outlet of Lake Pech-la-wee-kaa-co-nies or Lake Bean, marked A, in the accompanying copy of a part of plan 17 of the survey of the Boundary under the above Treaty; thence by a straight line connecting that point with another point to be determined at the distance of one mile due South from the Southernmost point of Long Lake; thence by a straight line drawn to the Southernmost point of the Fiefs Madawaska and Temiscouata, and along the South-eastern Boundary of those Fiefs, to the South-east angle of the same; thence by a Meridional line Northwards, till it meets a line running East and West and tangent to the height of land dividing the waters flowing into the River Rimouski from those tributary to the Saint John; thence along this tangent line Eastward until it meets another Meridional line tangent to the height of land dividing waters flowing into the River Rimouski from those flowing into the Ristigouche River; thence along this Meridional line to the 45th parallel of latitude; thence along that parallel to the Mistouch River; and thence down the centre of the stream of that River to the Ristigouche; thence down the centre of the stream of the Ristigouche to its mouth in the Bay of Chaleurs; and thence through the middle of that Bay to the Gulf of the Saint Lawrence; the Islands in the said Rivers Mistouche and Ristigouche to the mouth of the latter River at Dalhousie, being given to New Brunswick.

And whereas it is expedient that the said Boundary should be settled, in conformity with the said award; Now therefore, be it enacted, by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

I. New Brunswick shall be bounded as in the said award mentioned; and it shall be lawful for one of Her Majesty's Principal Secretaries of State to appoint such person or persons, as he may think fit, to ascertain, define, and mark the Boundary Line between the said Province of New Brunswick and the said Province of Canada, according to the intent of the said award.

II. The net proceeds of the funds in the hands of the Local Governments of

the said Provinces of Canada and New Brunswick respectively, arising from the territory heretofore in dispute between such Provinces, shall be applied according to the terms hereinbefore mentioned of the said agreement.

B.

PATAPEDIA, 4th July, 1854.

Dear Sir,—I reached the River Mistouche this morning *via* Grand River, and after camping at the mouth of that River, I proceeded hither, having been informed at Cheyne's Settlement that you were encamped at the entrance of the River, and learned from the man in charge of the depot of provisions that you had ascended the Patapedia with boats and stores, and were encamped some 22 miles up the River; also, that Major Robinson was daily expected from Campbellton, and would likely come up with the batteaux expected on Friday next.

I can scarcely describe my disappointment at not meeting you previous to your starting up that River, which leads me to conclude that you assume it as the River Boundary between Canada and New Brunswick, which we have been appointed to ascertain and define, under the Act of Parliament 14 and 15 Vic. cap. 63, establishing the Boundary Line.

It was not until the 25th ultimo, that I was officially informed, by command of the Governor General, that the necessary funds should be supplied by the Department of Public Works to continue the service this year.

I engaged, at River du Loup, the men for Mr. Blaiklock's Survey of the meridian line, limiting his party to ten men, two chain-bearers, and one cook, and proceeded, myself, at the Lake and at Emmerson's, with four men and two canoes, to convey me and my party to the Mistouche River, taking an Indian guide, acquainted with the Ristigouche, to point out that River, the only one of that name tributary to the Ristigouche mentioned in the award of the Arbitrators; become law by the Imperial Act.

No such River as the Patapedia is named either in the Act of Parliament or in the Map of the Arbitrators who signed the award, which Map I have; nor is the River mentioned in a Map accompanying the Report of Major Robinson, Captain Henderson, and Attorney General J. Johnston, Commissioners appointed by Her Majesty to enquire into the legal claim of Canada and New Brunswick to the territory in dispute between these Provinces, nor is it named in the Map of S. Saunders, Surveyor General of New Brunswick, dedicated to Sir John Colebrook, in 1842; but the River Mistouche or Mistoue is accurately shown on all these Maps, as situate above Still Water Brook.

That River, Mistouche, therefore, is to constitute part of the River Boundary Line between these Provinces, from the 48th Parallel of Latitude to its mouth on the Ristigouche, and it was in that view of the Act of Parliament that I framed the instructions to Mr. Blaiklock, and a copy of which I enclose to you, and which you were pleased to approve.

Agreeably to these instructions, Mr. Blaiklock proceeded on the survey, and I identified the Mistouche named in the Act of Parliament, which River he could only scale $1\frac{1}{2}$ miles, it being open, and the ice unsafe to proceed further up. Mr. Blaiklock's Report of the River appears explicit, and leaves no room to doubt that it is the same intended in the award. He further reports (without instruction from me,) scaled the Patapedia the distance of some 17 miles, for the information of the Commissioners, sufficiently to represent that the Patapedia and

Mistouche are distinct Rivers. You will judge yourself, upon perusal of the Report herewith enclosed to you, and I feel satisfied that any impression you entertain to the contrary, as arising from information drawn from less authentic sources, will be removed, and that you will agree to admit the Mistouche pointed out in the Map of the Arbitrators and other official documents, all of which I have with me for your inspection, to be the River intended in the Act of Parliament, which we are now to carry out, and hope ardently with the same unanimity that has marked our progress thus far.

I have dispatched Mr. Dubois, with the Indian guide, to hand you this hurried letter, while I must return to my camp at the Mistouche, where I will commence making Astronomical Observations for latitude and longitude, with the sextant and chronometer, the only instruments I have with me.

I may also fix the stations on the River until you and Major Robinson join me, to confer together upon the subject of the Boundary.

I have left a letter with Smith, the Keeper at the Patapedia, for Major Robinson, when he arrives from Campbellton.

With highest consideration,

I remain, dear Sir,

Yours, faithfully,

(Signed,)

JOS. BOUCHETTE,

Her Majesty's Commissioner.

Honorable A. E. BOTSFORD,

Her Majesty's Commissioner.

C.

AT COLLICK'S, PATAPEDIA,

5th July, 1854.

My dear Sir,—I learned from the keeper of the provision depot, at the mouth of the Patapedia, that you were daily expected from Campbellton, where you may have received my letter dated from River du Loup, intimating that I would meet you and Mr. Botsford at the Mistouche River.

It is with unfeigned regret that I found Mr. Botsford had proceeded up the Patapedia with the stores, as it could be satisfactorily shown that it is not the Mistouche River mentioned in the award of Arbitrators according to their Plans, and your Map, corroborated by other public records, it is situated above the Still Water Brook, and which Mr. Botsford has clearly identified, whose Report I have inclosed to Mr. Botsford, with mention of the information I had obtained myself of the River, and expressing my anxious wish that we should meet at the Mistouche to confer together on the subject.

I am returning to my Camp at the Mistouche, where I left my Chronometer, and Mr. Bois has just started with the letter to Mr. Botsford, which he will shew when we meet.

With the most sincere solicitude on my part that we may have no difference, after a full enquiry, upon the subject of the Mistouche,

Believe me,
My dear Major, in haste,
Yours, truly,

(Signed,) JOS. BOUCHETTE,
Her Majesty's Boundary Commissioner.

MAJOR ROBINSON, R. E.,
Her Majesty's Commissioner.

D.

[Extract.]

21 MILES UP THE MISTOUCHE OR PATAPEDIA,
July 6th, 1854.

I regret exceedingly that the Commissioners could not have met at Campbellton, previous to any arrangement being made as to the formation of any depôts for provisions on this portion of the Boundary service. When, however, I found that Major Robinson intended to proceed to Fredrickton before he came on, and would be detained at least ten days, I deemed it advisable, as the water was getting low in the Rivers, to have a depot of provisions established on the Mistouche, at the intersection of the 48th parallel of latitude; and ascertaining that Tracy's Brook was overlapped by branches from this River and the Redgwick, I was of opinion that that Brook could not be the River designated as the Mistouche by the Arbitrators, and this opinion is confirmed by the examination of the Map attached to the award of the Arbitrators, which lays down the Mistouche as the only large tributary of the Ristigouche between the Redgwick and the Matapedia. Now, it is a geographical fact, that this River is the only principal one which answers to that description, and that Tracy's Brook is but a small stream, and is not navigable at the 48th parallel of latitude, even if its course should extend as far.

As I am satisfied that this River is the true Mistouche designated in the Act of Parliament, I should not have gone to the expense of making a depot of provisions at the intersection of the 48th parallel, without consultation with you, or without having the opinion of Major Robinson on the subject. After the Major's arrival at Halifax, finding he would be late in the field, he wrote to me suggesting the course I have taken, and requesting me to inform you of what his opinion was as to the River designated as the Mistouche; he supposed you would be at Campbellton at the same time with me.

When I left the latter place to ascend the Ristigouche, I fully expected to meet you on your way down; but when I arrived at the mouth of this River, I was greatly disappointed in not meeting you there, and on enquiry of some Indians, who had come from the Redgwick, I found you had not arrived there at that time. As I had employed men with a scow and horses at considerable expense, by the day, and as the water was getting low, I decided, for the reasons I have previously stated, to have the horses and instruments forwarded up this River.

I trust that you will not imagine that there was any want of courtesy towards you in the steps I have taken in the difficult position in which I was placed, and

however we may differ in opinion upon the points submitted for our decision, I feel quite satisfied it cannot interrupt the cordial feeling which has hitherto existed between the Commissioners.

I beg to suggest that you and I should meet Major Robinson at Simon Colleck's on Saturday afternoon, as a most convenient place of rendezvous for consultation; for that purpose, I shall leave this on Saturday morning.

I have been taking some observations and find that I am still a little to the Southward of the 48th parallel, but as the night bids fair to be favorable I shall be enabled to speak more decidedly on the subject when we meet. I have no doubt but that Major Robinson will arrive on or before Saturday.

(Signed,) A. E. BOTSFORD.

JOSEPH BOUCHETTE, Esquire,
&c., &c., &c.

E.

CAMP, 16th July.

I send you down the sextant agreeably to your request. Mr. Ramsay and a party of exploration start to-morrow morning. They are to keep a Westerly course from this, and go as far as the North line, keeping a look-out for all streams running Southward. I hope you will be able to settle early about the Mistoue or Tracy's Brook. I do not think it can possibly extend anything like to 48°.

We shall be delighted to have you again with us. We have a beautiful Camp, situated on a plateau 30 or 40 feet above the stream. A space is reserved for your Tent. We must have your co-operation and agreement to determine the true 48th degree point. The Patapedia is a beautiful stream; it will take you a day and a-half to poll up it. You will find our camping ground on the Eastern bank, between the 10th and 11th mile marks. In the hope of soon seeing you,

Believe me, &c.,

(Signed,) WM. ROBINSON.

Jos. BOUCHETTE, Esquire,
&c., &c., &c.

F.

CAMP, PATAPEDIA RIVER, 23rd, July, 1854.

Mr. Ramsay and party have returned from their exploration in a Westerly course from this as far as the North line. He crossed a Brook two or three times, but proved it to be the same, and to run into the Patapedia, being, in fact, Pol-lard's Brook.

I have read over Blaiklock's Report, and your instructions to him, and compared them both with the Maps of Mr. Alphonso Wells, which I have by me; the latter writes Mistoue most unmistakeably to the Patapedia River, and the general

course of it is pretty correctly laid down on the Map. The mouth of his Mistoue is far nearer the sea than Still Water Brook; it is a fact, the Patapedia, with the name of Mistoue to it, the former name being omitted entirely. At all events, supposing you are not yet convinced by your own exploration, come up to this Camp and run a Westerly line from the 48th degree.

It will be easier to settle the point from this line, whether any waters of the Tracy's Brook reach as far North than it can be done by following up the stream, owing to the difficulty of getting through the woods when you can no longer follow the water-course.

By running the 48th parallel from this Westward we shall not add much to our labours, even if we had to give up the Patapedia River and adopt the Tracy's Brook, as it can be only a few miles before we strike it, and those few need not be struck out, but merely cut through until finally settled.

Botsford sends his kindest remembrances, &c.

Believe me, &c.,

(Signed,) WM. ROBINSON.

JOSEPH BOUCHETTE, Esquire,
&c. &c. &c.

See accompanying Plans and Maps marked G, H, I, and K.

G. Plan Extract from Lieutenant Hunter's Field Book.

H. Trace of River Ristigouche, from original Surveys in the Crown Land Office.

I. Map of State of Maine and Province of New Brunswick, by Moses Greenleaf.

K. Plan drawn by the Chief of the Micmacs, in the presence of the other Chiefs.

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L.

At a Council of the Micmac Indians, at Point Ristigouche, on Friday, October 27th, 1854, the following questions were asked of the Chiefs, and answered by the Interpreter :—

Question.—What Rivers fall into the Ristigouche, on the North side thereof, between the Matapedia and the Tom Redgwick?

Answer.—Matapediac, Michipiskaweck or Chain Brook, Minuta or Tom's Brook, Patapediac, Mistouche or Tracy's Brook, and Tom Redgwick.

Question.—How much further up the Ristigouche is the River Mistouche above the Patapediac?

Answer.—About fifteen miles more or less by the course of the River.

Question.—Have the Rivers Mistouche and Patapedia always been called or known by those Indian names?

Answer.—They have been known by those Indian names as far as he can remember.

Question.—Has the Patapedia ever been called by the name of Mistouche or Mistoue?

Answer.—Never.

PRESENT.—SAMUEL SOOCH, INTERPRETER.

Signed this day by the Grand Chief, in the presence of the undersigned Chiefs.

JEAN BAPTISTE ^{his} X JEROME CHABAQUET.
mark.

WITNESS,

(Signed,) CHARLES DAWSON,
Inspector of Timber Affairs
County of Bonaventure.

PRESENT AT THE COUNCIL :

THOS. L. BEAU,
ANDRW. GUILIEN,
DANL. JEROME,
WM. MORRISON,
FRS. CAPELAN,

ENTOINE METALLIO,
BENJN. LABOMB,
LOUIS CAPELAN,
FRS. BASKET,
PR. METALLIO,

PE. CLEMENT.

—
The above certified correct.

(Signed,) THOS. GENT. SHEPPARD.

M.

MEMORANDUM.

CAMP, PATAPEDIA,
1st August, 1854.

As it is desirable that the Maps in triplicate of the Boundary Survey under the present Commission, should be prepared for signature at Quebec in the course of November next, Mr. Bouchette, the Commissioner for Canada, will take the earliest opportunity of placing these Maps in the way of being accordingly prepared, (from the reports of the actual surveys now made,) at Quebec; and it is recommended that Captain Bouchette be employed as draughtsman for that service.

(Signed,) WM. ROBINSON,
Major, Royal Engineers,
Commissioner of Boundary.

N.

BOUNDARY LINE SERVICE,

Quebec, 29th August, 1854.

Sir,—A difference of no inconsiderable importance having arisen between the Commissioners appointed under the Imperial Act 14 & 15 Vic. cap. 63, to trace and mark out the Boundary between the Provinces of Canada and New Brunswick, agreeably to the award of the Arbitrators referred to in the said Act, which appears to me to resolve itself into a question of law; I take occasion of my being at Quebec for the purpose of placing in the course of preparation in triplicate to accompany the Report of the Commissioners to H. M. Government, and the Governments of Canada and New Brunswick, to have the honor of submitting to you, as Her Majesty's Attorney General of Lower Canada, the following particulars of the difference above alluded to, and to respectfully solicit your attention on the subject which will serve to remove any apparent obstacles to an amicable adjustment of the Line of Boundary between these Sister Provinces, agreeable to the intent of the above cited Act.

Agreeably to the following extract of the award of the Arbitrators; thence along this meridional line to the 48th parallel of latitude; thence along that parallel to this Mistouche River, and thence down the centre of that stream of that River to the Ristigouche; thence down the centre of the Ristigouche to its mouth in the Bay of Chaleurs, &c., &c. ' New Brunswick would be bounded on the East by the River called Mistouche from the 48th parallel to the River Ristigouche, in the manner described on the Map accompanying the said award, and referred to in the 1st Article of the said Imperial Act, representing the mouth of the Mistouche River to be situate about $2\frac{1}{2}$ miles above Still Water Brook, discharging on the Northerly side of the Ristigouche.

The River Mistouche explored by the undersigned does not, however, attain the 48th parallel,—its most Westerly source only reaching $47^{\circ} 54' 30''$,—and therefore could not have been intersected by a line running East from meridian line along said 48th parallel of latitude. But it does intersect from the East another River called by the Indians, and well-known as the River Patapedia, or by lumbermen called Patape, discharging into the River Ristigouche about $11\frac{1}{2}$ miles below the mouth of the Mistouche River. This River the Commissioner of New Brunswick, the Honorable A. E. Botsford, considers to be the River intended by the Act of Parliament to be the Boundary between Canada and New

Brunswick, which the third Commissioner, William Robinson, Esquire, Major, Royal Engineers, appears to confirm, from the reason of its superior width. It appears to be the River intended in the Act of Parliament,—a River which should be intersected by the 48th parallel,—and that the Map of the Arbitrators is erroneous in placing its mouth above Still Water Brook. Whereas the Mistouche River, otherwise called Tracy's Brook, is a small stream which does not fulfil the conditions proposed in the Act of Parliament, besides that the River Patapedia on Wells' Map is called the Mistoue River, from the name of the Lake of the same name, from which it takes its source.

The above views no doubt offer strong grounds for its adoption as the Boundary stream, and there is no other River short of the Redgwick River on the West of the Patapedia on the East that presents the same advantage. Nevertheless, the River thus assumed as the Boundary is not the River Mistouche named in the award, but is truly a different and distinct River.

That there may have been a mistake or error of information on the part of the Arbitrators in naming the River, even admitting it as probable, the circumstance nevertheless involves some 60,000 acres against Canada, part of which may be found to interfere. Cloridon belonging to the Crown by *Droit de Retrait*, whilst on the other hand, questions of jurisdiction between the Provinces of New Brunswick and Canada, as regards the River Patapedia as the assumed Boundary, may arise, calling into doubt the validity of such assumption by the Commissioners, or a majority of them, in deviating from the absolute letter of the Act of Parliament, unless some Act of the Imperial Parliament declared it to be the Boundary between the said Provinces.

From the above stated premises, which I have further illustrated on the accompanying sketch, you will at once appreciate the reason of my addressing you, as the highest legal authority I can appeal to under the existing state of the case.

I have the honor to be, Sir,

Your most obedient Servant,

(Signed,) JOS. BOUCHETTE,
Commissioner for Canada.

Honorable L. T. DRUMMOND,
Attorney General,
Esq., Esq., Esq.

O.

On Letter of JOSEPH BOUCHETTE, Esquire, of the 29th August, 1854, relative to a difference of opinion as to the River called Mistouche, in Imperial Statute 14 & 15 Vic. cap. 63.

CROWN LAW DEPARTMENT,
Quebec, September 4th, 1854.

The names of the Rivers must be taken from the plan annexed to the award of the Arbitrators, and specially mentioned in the Imperial Act, whether the Petapedia was the River which the Arbitrators intended to fix upon as the Boundary between the two Provinces or not, that line must be drawn in accordance with the words found in the Act, or as near as circumstances will permit.

I am therefore of opinion, that at the closest point of approximation between the forty-eighth parallel of latitude and the "Mistouche" the line should be run due south from that point to the source of that River, and continued thence in the manner indicated in the Statute.

(Signed,) LEWIS T. DRUMMOND,
Attorney General.

P.

SOUTH-WEST ANGLE, SEIGNIORY OF MADAWASKA,
BOUNDARY LINE, November 8th, 1854.

Dear Sir,—On my arrival at Edmondston on the 5th instant, from Fredericton, Major Robinson handed me a copy of your communication to Mr. Attorney General Drummond, dated 30th August, on the subject of the Mistouche, accompanied by his reply. Had I received these documents at an earlier day, I should have written to you before.

I now feel it my duty to object to the manner in which you stated the case to obtain the Attorney General's opinion, and at the same time to set forth a few of the reasons which influence me in coming to the decision I did in the matter, and to which you still seem to dissent.

I cannot agree with you that the selection of the River designated in the award of the Arbitrators as the "Mistouche," is a question of law, requiring the legal opinion of the Law Officers of the Crown. It is simply a question of fact, which the Commissioners alone are empowered to decide.

The sketch which accompanied and illustrated your letter to Mr. Attorney General Drummond, is calculated, in my opinion, to give a very erroneous impression as to the intentions of the Arbitrators, inasmuch as you have traced on it two Rivers, calling one the "Mistouche" and the other the "Patapedia," thus in fact deciding the whole question at issue, and assuming that the other two Commissioners are wrong in their decision, while on the original map of the Arbitrators annexed to the award, there is but one River delineated between the Redgwick and the Matapedia Rivers, and that one extends beyond the 48th parallel.

I assume it to be a correct position, when doubts exist as to the true meaning of a document, that we should consult the authorities that were before, and it is

reasonable to suppose, influenced the Arbitrators in the performance of their duty. With this view I refer you to the following official maps, containing as they do, conclusive proof as to the true River "Mistouche" intended by the Arbitrators.

No. 1.—A Map of Canada, published in 1843, by James Wyld, London.

No. 2.—A Map, compiled by A. Wells, Esquire, when appointed Commissioner on behalf of Canada, to adjust the Boundary between it and New Brunswick, which lays down the River Mistouche in every particular the same as that called the Patapedia in your sketch, prepared for Mr. Attorney General Drummond.

No. 3.—Map by A. Wells, comprehending the territory adjacent to the unsettled Boundary between the Provinces, including also the Ristigouche River, drawn from *actual Surveys*.

This Map traces the River which Major Robinson and myself have fixed on as the Mistouche of the award in the most accurate manner, and designates it as the "Mistouche," "Tracy's Brook," is correctly laid down as a small stream, but it is too insignificant to be named by him.

No. 4.—A Map of New Brunswick and territory in dispute between it and Canada, prepared under the direction of the Honorable Thomas Baillie, Surveyor General and Commissioner of Crown Lands, who was also appointed Commissioner on the part of New Brunswick, to settle the Boundary between the two Provinces.

This Map agrees with Mr. Wells', as having but one River drawn between the Redgwick and the Matapediac, called the "Mistoue," and which is made to join the Ristigouche River some miles to the Eastward of Still Water Brook.

No. 5.—A Map shewing the various proposals for the adjustment of the territory in dispute between Canada and New Brunswick, prepared by Mr. Arrow-smith, 12th September, 1845. This Map also shews but one River between the Redgwick and the Matapedia Rivers, which is called the "Mistouche." It is represented as taking its rise in a Lake "Mistoue," and its course, as well as that of its tributary, Pollard's Brook, are correctly laid down, which clearly identifies this River as the 'same as that called by the lumbermen "Pattamajaw." The only error seems to be that its entrance into the Ristigouche River is represented as being farther to the West than is found to be the case upon a more accurate Survey. It is not, however, very extraordinary that in a wilderness country, not yet properly surveyed, Maps should differ from each other as to some of the details as to rise, course, and discharge of its Rivers; but these discrepancies cannot extinguish the name and the actuality of the River itself.

I am informed that all these Maps, to which I have referred, with the exception of Wyld's, were officially transmitted from the Colonial Office for the information of the Commissioners appointed in 1846 by Her Majesty's Government, to report upon the disputed Boundary, and made use of by them in the compilation of their Map, upon which the Arbitrators in London based their award.

All these maps, together with the map annexed to the award of the Arbitrators, agree in representing but one large River, designated as the Mistoue, between the Redgwick and Matapedia Rivers, having its rise in a Lake named, even in your map of Canada, "Mistoue."

I believe it will not be disputed that there is, in fact, but one large River between the Redgwick and the Matapedia Rivers, ascending North to the 48th parallel. It is equally certain that it was the intention of the Arbitrators to select a tributary of the Ristigouche as a portion of the Boundary between the Provinces, which would be intersected by the prolongation of the 48th parallel of latitude from the Redgwick.

The appointment and powers of the Commissioners under the Imperial Act 14 & 15 Vic. cap. 63, and the manner in which they should carry out the award, are thus defined :—

It shall be lawful for one of Her Majesty's Principal Secretary of State to appoint such person or persons as he may think fit, to ascertain, define, and mark the Boundary Line between the said Province of New Brunswick and the said Province of Canada, according to the intent of the said award.

I confess I cannot see any force in the argument, that because this River has been indifferently called at various times the "Patapediac, Patapajaw," and "Matamagee," it cannot therefore be the Mistouche of the Arbitrators, though so termed in all the official authorities to which I have previously alluded.

Mr. Attorney General Drummond, in his opinion, states, "that the names of the Rivers must be taken from the Plan annexed to the award of the Arbitrators, and specially mentioned in the Imperial Act."

Admitting this opinion to be the criterion by which the Commissioners should be governed in the performance of the responsible duties devolving upon them, I humbly contend that in selecting the "Mistouche," Major Robinson and myself have strictly adhered to it, for the following reasons, viz. :—

1st. The small stream known as Tracy's Brook, which you assume to be the "Mistouche" of the award, is not even set down in the Map of the Arbitrators, and does not extend to the 48th parallel, nor is this Brook noticed in any of the official documents which must have been before the Arbitrators, except in Mr. Wells' Map (No. 3), where it is laid down, but not deemed of sufficient importance to be named, while the "Mistoue" is distinctly defined, and occupies upon the face of the Map the exact spot, and is the identical River called by the lumbermen "Patapajaw."

2nd. By the map annexed to the award, it is evident that the Arbitrators selected the only River between the Redgwick and Matapediac Rivers, which extended as far North at the 48th Parallel, which, upon reference to the official maps before them, they found to be called by the name "Mistoue" or "Mistouche."

3rd. The River fixed upon by the majority of the Commissioners is identical with the River laid down both in Mr. Wells' and Mr. Baillie's Maps, (previously referred to as Nos. 2, 3, 4,) and named by both the "Mistoue," having its entrance into the Ristigouche River to the Eastward of Still Water Brook.

Then it is considered that these maps were drawn up in the offices of the Surveyor Generals of Canada and New Brunswick, prepared under the supervision, and it may be presumed, compiled from the most authentic sources of the two gentlemen selected for their knowledge of the subject, to adjust the Boundary in dispute between Canada and New Brunswick, I submit that they are the best authority which the case admits of.

In arriving at the conclusion I have, as to what River should be established as the true "Mistouche" of the award, I have not been influenced by any unworthy motives of obtaining additional territory for New Brunswick, to which she was not justly entitled under the award, and I frankly admit, however strong an opinion I may have formed on this subject, and however much I might have regretted it, still I should have felt it to be my duty to have bowed to Major Robinson's decision, had it been adverse to mine, well-knowing that my Government are anxious to have this long pending and difficult question finally adjusted without the necessity of a further reference to them.

I have only to add, that I cannot admit "that the majority of the Commissioners have deviated from the absolute letter of the Act of Parliament," and in the discharge of this troublesome duty, as well as in every other portion, we have,

I conceive, fulfilled it to the letter, though we have been so unfortunate as to differ from you on this point, which I can assure you, is the cause of much regret to

Yours very truly,

(Signed,) A. E. BOTSFORD,
Commissioner of Boundary
for New Brunswick.

Jos. BOUCHETTE, Esquire,
Commissioner for Canada,
&c., &c., &c.

Q.

(Extract.)

PATAPEDIA RIVER,
Collick's, 10th August, 1854.

We reached this settlement safe, after a rapid run down of $4\frac{1}{2}$ miles, satisfied of having met your wishes and that of Mr. Botsford, in having gone up for a talk to your camp, where however, without having altered your predilection upon adopting the Patapedia for the Provincial Boundary, in its course from the Ristigouche to the 48th parallel. The few observations which I made, further satisfied me that the Geographical position was somewhere very near the latitude $47^{\circ} 59' 32''$ or $33''$, and nearly agreeing with your observations, which, with those of Mr. Botsford, cannot fail to establish the 48th degree beyond doubt, to the greatest possible nicety.

Reverting to the Patapedia, and without recurring to the grounds of my objections to adopting that River beyond the Westerly branch, called by lumbermen, Pollard's Branch or Brook, if one must be adopted of necessity, for the Boundary, under the circumstances of the real Mistouche not fulfilling the provisions of the award, and of the apparent mistake in the delineation of that part of the Boundary Line on the map of the Arbitrators.

I would strongly suggest, suspending until you hear from me; the planting of the Iron Monuments on the banks of the River, it strikes me forcibly, the more I dwell on the subject, after the conversation we had together before leaving the camp, that there appears to be an absolute necessity of some declaratory Act of the Imperial Parliament, to rectify the mistake in the 15 & 16 Vic. cap. 63, and thereby avert litigation that it may give rise to between lumbering parties, calling into question the legal right which the Commissioners, or a majority of them, may assume to adjust any apparent mistake, in adopting the Patapedia in lieu of the Mistouche for the Provincial Boundary, however plausible their reasons for doing so may be as their extenuation. I am, like yourselves, anxious to close the service this season, now flying past us, and therefore, since you have been conferring and operating at the East, and instead of breaking ground in the centre of our work on the Redgwick, I willingly forbear throwing any obstacles in the way, so go on as you proposed in your note; and yet, by following out the plan of operations arranged at the camp, may accomplish the survey in time for your return to Newfoundland before the setting in of winter. I will write to you from Quebec, *sans faute*.

Blaiklock was off at seven, and will leave to-morrow morning *en route* for the tangent line, when I will join Mr. Botsford in three or four weeks; and after

seeing you at the Redgwick together, to start the Boundary on the last year's work. Meantime, the Maps will be preparing, and I shall proceed to Quebec *via* Kempt Road, so as to enable me to visit the Islands, and personally have seen that portion of the River Boundary below this.

I will write a line to Mr. Botsford, so wishing you good cheer, health, and fine weather,

Believe me, &c.,

(Signed,) JOS. BOUCHETTE.

To MAJOR ROBINSON,
Royal Engineers,
Commissioner of Boundary.

R.

Under the authority given me, as one of Her Majesty's Principal Secretaries of State, by an Act of the 14th and 15th year of the Reign of Her Majesty, entitled, "An Act for the Settlement of the Boundaries between the Provinces of Canada and New Brunswick," I hereby appoint Major William Robinson, Royal Engineers; Joseph Bouchette, Esquire; and Amos Edwin Botsford, Esquire, to ascertain, define, and mark the Boundary Line between New Brunswick and Canada, according to the intent of the award mentioned in the said Act.

(Signed,) JOHN S. PACKINGTON, [L.S.]

DOWNING STREET, 2nd August, 1852.

PROVINCIAL REGISTRAR'S OFFICE,

Quebec, 23rd March, 1855.

I hereby certify, that the foregoing is a true and correct copy of the original instrument of appointment, as entered upon the records of this office.

(Signed,) THOS. AMIOT,
Deputy Registrar.

S.

EXTRACT from the Report of Mr. Charles Dawson, lately employed in an investigation of the state of the Timber Trade in the Bay of Chaleurs.

I would here beg to notice the present state of the Boundary Survey as it effects the collection of the Timber Duties. By the Act of the Imperial Parliament, the Boundary is fixed at the 48th parallel of latitude until it is intersected by the Mistouche River; certainly an inconvenient Boundary for Canada, as it cuts off the mouths of some Rivers from their sources, and as it forms an acute

angle with the Ristigouche,—the more it is extended Eastward the more inconvenient it would be.—Those interested in New Brunswick have raised two questions: first, as to the identity of the Mistouche (among the Lumberers, Tracy's Brook), which they say is the Patapedia, and, therefore, wish the line extended to that River. The second question raised is, that the Mistouche, being a small stream, does not extend so far as to intersect the 48th parallel, and that the Boundary should be extended along said parallel until it is intersected by the next large stream, viz., the Patapedia; would it not have been as reasonable, on finding that the line 48° would not be intersected by the Mistouche, to have stopped at the Petomkedgwick, a River about as far to the West as the Patapedia is to the East side of the Mistouche.

There cannot be the slightest doubt as to the identity of the Mistouche, for having gone up the Ristigouche in the month of April last, by directions from the Department, in order to ascertain what Timber was being made on the Canada side of the Boundary, I procured as much information as I could, regarding the identity of the Mistouche, from the Indians and others, and found the evidence quite conclusive.

After questioning a number of Indians on the subject, I requested two of them (old men) that I met accidentally on the ice, to draw on the ice the Ristigouche and its tributaries, which they did, and named every tributary from the sources thereof to the sea; there can therefore be no doubt as to the identity of the Mistouche; it is not, in fact, known to the Indians as Tracy's Brook, that name being only given by the lumberers, since a person of the name of Tracy made timber there.

I was also present with Joseph Bouchette, Esquire, Boundary Commissioner for Canada, at a Council of Indians, held at Mission Point, Ristigouche, on which occasion the evidence as to the identity of the Mistouche was of the same conclusive nature.

Certified, a true extract of the report on record in the Woods and Forests branch of the Crown Law Department.

(Signed,) WM. McD. DAWSON.

CROWN LAND DEPARTMENT,
1st June, 1855.

T.

QUEBEC, 15th May, 1854.

Sir—Having received your instructions, bearing date the 10th day of March last, authorizing a Survey of the Rivers Mistouche and the Ristigouche, from its confluence with that stream to Campbellton (as forming a part of the Boundary between Canada and New Brunswick), to be made, I have the honor to inform you, that I left Quebec on the 12th of March, accompanied by Mr. F. X. Bois, as chain-bearer, and proceeded to Lake Temiscouata, where I provided myself with such camping equipage, provisions, &c., as could be procured in the Boundary Commission Stores at that place; thence I proceeded to Edmonston, Madawaska, and with the assistance of Mr. John Emmerson, I procured a surveying party of seven men (together with two extra men to assist in transporting the baggage and provisions, &c., across the Portage); and having completed the re-

quisite outfit for the service, I finally left the Little Falls on the 20th of the month, passing by the Grand River and the lumber roads in that direction. I reached the upper waters of the Ristigouche, a few miles below the embouchure of the "Wagan."

I descended the former stream for two days' march, and on the 25th halted at an old lumber shanty, about one mile above the entrance of the River Mistouche.

In the settlement at Madawaska, and in traversing the Portage from the River St. Johns, I had the opportunity of conversing with several Indians and Ristigouche lumbermen, well acquainted with the tributaries of the main Ristigouche, who all concur in naming this stream Mistouche.

I therefore determined to begin the survey here, and with that view I began adjusting my instruments for Astronomical Observations. The weather for several days proved very unpropitious, being continually overcast with clouds, and it was the 29th instant before I obtained the requisite observations necessary to determine the latitude and a true meridian; having done so, and found the variations of the compass to be 20" West, and the latitude of my starting point to be 47° 46' 45" North. I commenced scaling the Ristigouche North-easterly 81 chains to the mouth of a small River entering the former stream on the North side, and 55 chains 56 links due North from the point of departure; this being the stream known as the "Mistouche" or "Mistook," agreeing with the River "Mistouche" as marked upon the Boundary Line Map accompanying my instructions, and named in the award on the Boundary between Canada and New Brunswick.

I proceeded to scale it, which I succeeded in doing for one mile only, when it became all open and quite free from ice, rendering it impossible to continue without passing either through the woods on the bank or in the water,—the season of the year making it quite impracticable to do the latter.

The River Mistouche, or, as it is pronounced by the native Indians, "Mistone," is likewise known to lumbermen, in the vicinity, as Tracy's Brook.

It is situated in latitude 47° 47' 20" North, and enters the main Ristigouche on the North bank, at 10 miles 51 chains below the mouth of the "Redgwick;" it is not more than 70 links wide, with a strong and even current, and appears to run for some distance in a North-westerly direction. I was informed it had been ascended by small tow boats (a flat bottomed description of vessels used by the lumbermen for conveying their supplies of provisions, &c., into the interior forests) from five to six miles, and that lumber had been driven down at some ten or twelve miles further.

By information obtained from an Indian hunter (J. B. Thomas), well acquainted with this stream, it would appear that it is separated into three branches, about six miles from its mouth. The left hand or Westerly one runs away West, North-west, and takes its source near the Beaver Brook, a large branch of the Redgwick. The right hand or Easterly branch runs in a North-easterly course, and heads near to Pollard's Brook, a large branch of the Patapediac.

The middle or Northerly branch would appear to run in the most direct course as it is probably 15 or 16 miles in its whole length; all the waters of the three branches being enclosed within the arms of Pollard's and Beaver Brooks.

Finding I could not succeed in carrying out the principal object of the expedition, I determined to pursue the latter part of my instructions, namely, to survey the Ristigouche from the Redgwick to Campbellton; this I had a favorable opportunity of doing, the ice upon the main River being firm and good. I accordingly began at my first station and scaled up to the mouth of the Redgwick, a distance, from the embouchure of the "Mistouche," of 10 miles 52 chains. I was joined at this time (31st March) by Mr. Cunard Barbarie and two men, who continued with me throughout the remainder of the survey.

From the Mistouche I scaled the Ristigouche down to the "Upsalquitch" a distance of 41 miles 16 chains; the whole distance from "Redgwick" being 51 miles 67 chains 75 links, to a spruce tree on the East branch of the stream, where I closed the survey. At 21 miles 58 chains from the Redgwick, I passed a large stream entering the Ristigouche from the North-west, known by the name of the "Patapedia," and although the survey of it was not ordered in my last instructions, yet, having some extra provisions and the state of the ice being propitious, I thought it might be of advantage to the Commissioners, in furthering their operations, to obtain some definite information thereto. I accordingly made a rapid survey of it for $16\frac{1}{2}$ miles, to within a short distance of the first forks, known as Pollard's Brook, but owing to the bad state of the ice I could proceed no further, the River being nearly all open.

On my arrival at the River "Upsalquitch" with my survey, the season being pretty far advanced (the 17th April,) and fearing the ice on the upper Ristigouche might break up and render it difficult to return with the baggage, instruments, &c., I therefore thought it advisable to abandon the further prosecution of the work towards Campbellton, and return home.

Accordingly, on the 17th April, I dismissed Mr. Barbarie, with his two men, and started with the remainder of the party on the return homeward.

The 22nd, I reached Edmerson, where I was detained two days paying off the men, and settling the accounts with Mr. Emmerson; and on the 25th, I again left Madawaska, and, encountering considerable difficulty in travelling, from the exceedingly bad state of the road, I finally reached Quebec on the 30th April.

I have the honor to be, Sir,
Your most obedient Servant,

(Signed,) F. BLAIKLOCK, D.P.S.
Acting as Chief Surveyor for Canada.

U.

CAMP NEAR REDGWICK,
October 12th, 1854.

Dear Sir,—I beg to acknowledge the receipt of your communication, dated Quebec, 7th September, forwarding me the copy of a letter which you addressed to the Honorable the Attorney General for Canada, on the subject of the difference of opinion which has arisen between yourself and the other two Commissioners of Boundary, as to the true Mistouche River, together with the copy of the opinion given by him in reply.

I need not explain to you the cause of the delay in my receiving this letter, with its enclosure, because you yourself became the bearer of it to this place from the Post Office, to which it had been waiting for an opportunity to be forwarded to me.

As without the sketch which accompanied your letter to the Attorney General a full understanding of the case submitted to him cannot well be arrived at, I beg leave to request a copy of it from you.

In the mean time, I take this opportunity of stating, in reference to that part of your letter which refers to me individually, that my opinion as to the River struck by the Parallel of 48° which has been fixed upon, and marked by the

majority of the Commissioners, as being the true River Mistouche of the Arbitrators, and of the map accompanying their award, is founded, not only upon magnitude, length of course, and breadth of stream, as well as eligibility, but also upon the official map drawn up in the Offices of the Surveyors General of both Canada and New Brunswick, which were transmitted from the Colonial Office in London, for the information of the Commissioners appointed in 1846 by Her Majesty's Government, to report upon the disputed Boundary, and made use of by them in the compilation of their map, upon which the Arbitrators in London made their award.

Both these maps agree in representing one large River, and one only, situated between the Redgwick River and the Matapedia, as extending to the 48th parallel, having its source in the Highlands overlooking the St. Lawrence, and discharging its waters into the Ristigouche River, on the north side.

Both maps agree in giving it the same name of Mistouche, but they do not agree as to the point where it enters the Ristigouche; the map of New Brunswick, placing it much farther to the eastward, than that of Canada does.

A map of Canada, published in 1843, by James Wyld, the well known Geographer, in London, gives the same River with the same name of Mistouche, and makes it enter the River Ristigouche in the same manner, and the same place as shewn on the map of the Arbitrators.

Another official map, published at Washington, in 1843, and compiled by Officers of the United States Corps of Topographical Engineers, from explanatory surveys made by them in these Highlands, give the same point of entrance into the Ristigouche, but call it "Mattamaja," which is an approach to Patapedia, or Patty-pejuin of the Lumbermen, who, together with the Indians, are with rare exceptions, the sole visitors of these Rivers, and often change the old names given by the Indians, to others better suited to themselves. This point of discharge, however, as shewn by these two maps and others, might be quoted, but it is unnecessary, because it is now known that in this particular they are incorrect, and the entrance into the Ristigouche should be placed more to the eastward, than shewn on the map of the Arbitrators, but the difference caused thereby would be so unimportant, and on the map or the scale to which it was drawn, would appear so small, that it is highly improbable it could have affected their selection.

Having for certain reasons specified in that Report, determined to carry the the Boundary east of the Redgwick, they selected the next River, struck by the parallel of 48°.

This unforeseen choice of this tributary River as the Boundary has given it an importance which it did not then possess and would not otherwise have attained.

I have little doubt, but I have not the means of reference by me, that most of the best maps published in Canada, agree generally as to this stream, its size and its name, but differing from each other in some of the details as to the rise, course, and discharge.

But these discrepancies do not extinguish the name and the actuality of the River itself; nor can the single instance in one map which you possess, which applies the words "Tracy's Brook" or "Mistoue River" to a comparatively insignificant stream, so small as not to have been mentioned by name in any of the documents before quoted, be deemed sufficient to overturn the name of the River applied to it by as many other authorities, and thereby defeat the undoubted intentions of the Arbitrators.

These differences are merely the errors of the compilers, arising from want of proper surveys. Until this year, I believe, no survey was ever made of the River Mistouche, and that has only been done by our parties, from its mouth, not to its source but to a few miles only beyond the point where the 48th parallel struck it.

The Honorable the Attorney General says, the names of the Rivers must be taken from the plan annexed to the award of the Arbitrators, and specially mentioned in the Imperial Act; now, the small stream known as Tracy's Brook is not set down at all in that map; I consider therefore, that the Commissioner for New Brunswick and myself, have fixed upon the true River Mistoue of the map, and of the intentions of the Arbitrators, notwithstanding that the River is now generally called on the spot Petapedia or Patty-pejuin.

I should make this letter too long were I to pursue the subject farther at present; I defer doing so until I have an opportunity of conferring with our colleague, Mr. Botsford.

Believe me, dear Sir,
Yours very truly,

(Signed,) WM. ROBINSON,
Major Royal Engineers,
Her Majesty's Commissioner of Boundary.

V.

[Extract.]

COLLICK'S, PATAPEDIA, July 9th, 1854.

I look forward with great pleasure at our approaching meeting with our friend and *confrère*, Major Robinson, to-morrow or next day. I will be down in the afternoon with the other canoes to take up some provisions with us, as we may be some eight or ten days reaching the Upper Forks of the Redgwick before the party can reach that point.

Sincerely hoping that the suggestion of making one depot on the Redgwick, in the vicinity of the 48°, and running that parallel East to the first waters of the Ristigouche, will meet with the concurrence of myself and Major Robinson,

(Signed,) JOS. BOUCHETTE.

Honorable A. E. BOTSFORD,
Boundary Commissioner.

W.

EXTRACT of Letter from Mr. Dawson, dated at New Carlisle, 10th March, 1854.

"In reference to the duties which Arthur Ritchie & Co. declined paying, on the ground that the Timber was obtained on the Lands awarded to New Brunswick, I have to remark that I perceive an inclination among different parties to encroach still further, on the pretext that the Patapedia River is the real Mistouche, and that the 48th parallel of latitude will cross it far up the stream. I do not see any possibility of avoiding this difficulty without maintaining the right of Canada to the Timber duties on its old limits, until such time as the Boundary Commissioners have determined the Boundary Line, as

“ the different parties seem to be constituting themselves judges, and will, without doubt, act according to their own views in the matter, unless very efficient measures are adopted to prevent them.”

X.

CARLETON, 23rd May, 1855.

Sir,—In compliance with your instructions of the 17th ultimo, I immediately proceeded on my first visit to the Ristigouche, in order to ascertain the number of parties cutting timber on the Canada side of the Ristigouche. I found that several parties were making timber, but as they cannot drive the same before the 15th or 20th June, I will then be in attendance to get the quantities, and see the whole is accounted for, as I am determined to act strictly, and with determination.

I beg leave to observe, that I have received information that two parties have been cutting and making quantities of timber between the River Redgwick, Mistouche Brook, and the River Patapedia, which parties admit that a part of the said timber has been cut in Canada, and the remainder on the disputed territory between New Brunswick and Canada; there is also a quantity of timber hauled out at the Indian Mission in Ristigouche, made by the Indians, which they say has been cut on their lands. There are, also, several small quantities cut by parties claiming their lands by tickets of occupation.

I now wish particularly to be informed how I am to act under the different circumstances, and in respect to the parties making timber on the lands held under tickets of occupation, if they are liable to pay license duty, or in what manner they are to be dealt with.

I beg leave also to observe, that from information I received while at Ristigouche, from parties making timber, as well as the inhabitants pretend to say, that the whole of the River Ristigouche, from their banks, belong to the Province of New Brunswick, and that rafts afloat in the River is actually in New Brunswick. I would therefore wish to know whether I should insist on the duties being paid before the landings are broken, or in what manner I am to proceed in such cases, as well as in any other information touching timber made on or near the disputed Boundary, as I fear difficulties may occur.

Awaiting your further instructions,

I have the honor to be, Sir,
Your most obedient Servant,

(Signed,) JOSEPH N. VERGE,
Crown Timber Agent.

Honorable JOSEPH CAUCHON,
Commissioner of Crown Lands,
Quebec.

V.

On the Report of the Commissioners on the Boundary Line between New Brunswick and Canada.

CROWN LAND DEPARTMENT,
Montreal, 21st October, 1848.

It was intended to postpone the consideration of the Report of the Commissioners appointed by the Queen, to investigate and report upon the respective claims of Canada and New Brunswick, respecting the territory in dispute between them, until in possession of the maps alluded to in Earl Grey's Letter of the 26th August, transmitting the Report, and which it is to be hoped will be accompanied by the exploring Commissioners' Report on the result of the field observations.

But the recommendations of the Report are so greatly at variance with what the people of Canada were led to expect from their long-settled conviction of their right to a territory which, if acknowledged as British, could by no possibility belong to any other Province than Canada, that it may be unadvisable to allow the Report to remain any longer unnoticed, silence might be construed as a tacit acquiescence in the views of the Commissioners, against which this Province must strongly protest.

New Brunswick, a Province of comparatively recent creation, and a dismemberment of older Provinces, was by proclamation, under its former destination of Nova Scotia, and by subsequent documents, bounded at the West by the River St. Croix, and a line due North extended to the Southern limits of Canada. This line in position, irrespective of courses of Rivers or any other consideration whatever.

It has been established in the field, and formally acknowledged by the Government of Great Britain and United States, that up to the River St John, there cannot be the slightest difficulty in extending it from that River even to the shores of the St. Lawrence, West of that line, New Brunswick can have only legal or even equitable claim. It therefore required much ingenious and specious argumentation on the part of Mr. Johnson (the Report is evidently drawn by a lawyer, not by a military man), based altogether upon presumed or supposed intentions, and skilfully commencing the discussion of the Boundary at what ought naturally to have been its closing point, to enable the Commissioners to suggest a deviation from the due North line, which, if carried into effect, would virtually amount to the spoliation of one Province for the aggrandizement of the other.

On the Southern Boundary of Canada, from the Western extremity of the Baie des Chaleurs Westward to the due North line, which is to form the Northern limits of New Brunswick, it would be premature to offer any remark, until the Maps and Report of the Gentlemen entrusted with the exploration, which was to enable Her Majesty's Government to decide on the claims of the two Provinces, have been received. It is, however, difficult to imagine what new feature has been discovered in the general aspect of the country to justify their joining in the report in question.

In the meantime, it is well to observe that there is an important feature in the present question which ought not to be lost sight of. At the time New Brunswick was erected, the Sovereign had an undoubted right not only to assign to each Province what limits he saw fit, but even (it is presumed) to take from the acknowledged territory of one Province to add to that of another, without even consulting either.

But the Imperial Act which has transferred the Crown Lands to the Provinces has, it would seem, circumscribed the power of the Sovereign in that respect, by

giving the Provinces an interest in the soil, and a sort of ownership, which they did not previously possess. The question of limits, therefore, now involves one of property, which (unless Imperial interests intervene) must be decided by the strict, legal rights of the parties.

It is to be hoped that Her Majesty's Government will be induced to suspend all further action on this Report until such time as the claims of Canada can be fairly laid before them.

It must be remembered, however, before concluding these observations, that the perusal of the Commissioners' Report must leave a painful impression on the inhabitants of Canada, that their interests have not been sufficiently consulted in the nomination of Mr. Johnson as one, and apparently as the adjudicating Commissioner.

As a supposed disinterested party, he may have been intended as an Umpire; but the whole tenor of the Report shews him the decided advocate and special pleader of the cause of New Brunswick.

(Signed,) T. BOUTHILLIER.

(True Copy.)

(Signed,) T. BTE. RAYMOND.

No. 12.

LETTER,—Joseph Bouchette, Esquire, to the Honorable the Provincial Secretary.

QUEBEC, 30th November, 1854.

Sir,—In transmitting the within Report of the Commissioners appointed under the Imperial Act 14 & 15 Vic. cap. 63, submitted for the information of His Excellency the Governor General; the progress they have made in the survey for defining the Boundary Line between the Provinces of Canada and New Brunswick.

I have the honor to state, that as Commissioner for Canada, I will, at an early day, have the honor of laying before His Excellency in Council, a full report in reference to that part of the joint Report relating to the difference of opinion which has arisen between him and the majority of the Commissioners, on the subject of the Mistouche River which is to form part of the Boundary between these Provinces, under the award of the Arbitrators.

I have the honor to be, Sir,
Your most obedient Servant,

(Signed,) JOS. BOUCHETTE,
Commissioner of Canada.

Honorable P. J. O. CHAUVEAU,
Provincial Secretary.

LITTLE FALLS, NEW BRUNSWICK,
10th November, 1854.

Sir,—We, the undersigned Commissioners, appointed under the Imperial Act 14 & 15 Vic. cap. 63, to ascertain, define, and mark the Boundary Line between Canada and New Brunswick,

Have the honor to report to you, for the information of His Excellency the Governor General, that in pursuance of the duty assigned to us, we assembled and met together on the River Ristigouche, in the month of July, as soon as the authority received for our re-assembling permitted us to do, and proceeded with the Boundary, as follows:—

2. Two of the Commissioners proceeded up the River Mistouche of the Arbitrators' map, and established, by Astronomical observations and measurement, the point where it was intersected by the parallel of 48°.

3. The Commissioner for Canada differing with them in opinion, proceeded to explore a stream more to the Westward, which, in his opinion, he conceived to be the true Mistouche.

4. He found, however, that it would not comply with the conditions specified in the Imperial Act, inasmuch as it did not extend sufficiently to the North to be intersected anywhere in its course by the 48th parallel.

5. He therefore returned to the other two Commissioners, and having made Astronomical Observations to verify the correctness of the latitude of the point they were establishing, repaired to Quebec to consult with the Canadian Authorities, on the subject of difference.

6. In the mean time, the Parallel was being run West, and has been cut out and marked with proper monuments as far as the River Redgwick.

7. Other portions of the Line, defined and cut out last year, have been marked with iron monuments.

8. Explorations also of the Highlands have been made by the Commissioners, with the view of determining the points from which the tangents, as directed in the Imperial Act, should be run.

9. These, owing to the difficult nature of the Country, in addition to the vagueness and indefiniteness of the terms Tangents to Highlands, leaving much open to the discretion or opinions at least of the Commissioners, have caused them much delay, and impeded their efforts in pushing the work on to a final settlement this year.

10. And they have, therefore, to report, that, as the season in which such operations can be carried on with advantage, will very shortly be closed by the setting in of Winter, it will be necessary for them to re-assemble again next season, when, they have no doubt, they will be able to conclude the service.

We have the honor to be, Sir,
Your obedient humble Servants,

(Signed,) WM. ROBINSON,
Captain, Royal Engineers, Brevet Major.

“ JOS. BOUCHETTE,
Commissioner for Canada.

“ A. E. BOTSFORD,
Commissioner for New Brunswick.

Honorable P. J. O. CHAVEAU,
Provincial Secretary, &c., &c., &c.

No. 13.**COPY of a Despatch from the Lieutenant Governor of New Brunswick, to the Administrator of the Government of Canada, with a Memorandum of the Executive Council of New Brunswick.**

GOVERNMENT HOUSE,

Fredricton, N.B., 4th May, 1854.

Sir,—The enclosed Memorandum, with reference to the proceedings of the Commissioners for running the Boundary Line between Canada and New Brunswick, has been placed in my hands by the Members of my Executive Council.

I think it right to forward it to Your Excellency, but at the same time, I desire to guard myself from expressing or implying any opinion of my own on the subject matter to which it relates.

It is no business of mine to criticise or canvass the steps taken by the Canadian Government in the exercise of their own discretion.

Having conducted the negotiations myself which led to the settlement of the Boundary, under the Imperial Act 14 & 15 Vic. cap. 68, and as the Lieutenant Governor of this Province, I am anxious unequivocally to state, that I conceive New Brunswick to be bound, no less by good faith and honor towards Canada, than by her own interests, to carry out effectually and completely the agreement recorded in the Act of Parliament.

I presume, that the views embodied in the Memorandum now enclosed, were suggested to my Council by the fact, that the House of Assembly of New Brunswick, in the Session just ended, showed an indisposition to provide beforehand for the probable cost of completing the Boundary Line, over and above the balance of the disputed Territory Fund.

My Council, however, are prepared, from that source and on their own responsibility, to advise the advance of a sum sufficient to carry on operations in the season about to commence; at any rate, so far as will enable the Commissioners to fix the Eastern limit of the Line yet to be run between the two Provinces.

Our Commissioner, Mr. Botsford, will therefore hold himself in readiness to meet the Canadian Commissioner and Major Robinson on the Ristigouche, at such time as Your Excellency may be pleased to appoint.

I have, &c.,

(Signed,) EDMUND HEAD.

His Excellency Lieutenant General ROWAN, C.B.,
&c. &c., &c.

MEMORANDUM OF COUNCIL,

Dated 3rd of May, 1854.

Whereas the expenses of the Survey of the Boundary Line between this Province and Canada, have thus far greatly exceeded what was anticipated by the Government and Legislature of this Province, and are such as have led to the impression that the Commissioners have carried on their work upon too elaborate and expensive a scale.

The Executive Council in Committee, are, therefore, of opinion, that the subject should be brought under the consideration of the Canadian Government, in the hope that that Government will unite with the Government of this Province in impressing upon the Commissioners the necessity of completing the survey with as little expense as possible, consistently with a due regard to the importance of the work.

The Executive Council have taken the responsibility of recommending that £2,000, currency, be placed at the disposal of His Excellency the Lieutenant Governor, to enable the work to be proceeded with,—an amount, in their opinion, sufficient for future operations.

The Council request, that a copy of the foregoing memorandum be entered on the minutes, and that His Excellency the Lieutenant Governor communicate the same to the Canadian Government; also, that a copy be furnished to the Honorable A. E. Botsford, the Commissioner on the part of this Province.

No. 14.

COPY of a Despatch from the Right Honorable the Secretary of State for the Colonies to the Governor General, with Copy of Despatch from Lieutenant Governor of New Brunswick.

(Copy.—No. 4.)

DOWNING STREET, 12th March, 1852.

My Lord,—I have the honor to acknowledge the receipt of your Lordship's Despatch, No. 11, of the 17th of February, reporting that you had appointed Joseph Bouchette, Esquire, the Commissioner, to run the Boundary Line between Canada and New Brunswick, on the part of the Canadian Government.

I transmit, for your information, the Copy of a Despatch from Sir Edmund Head, stating that Mr. Botsford had been nominated the Commissioner on the part of New Brunswick; and with reference to the Lieutenant Governor's observation as to the rate of remuneration to be assigned to him, I have to request, previously to selecting the third Commissioner, that your Lordship would specify what you consider a proper payment to each of the three Officers, by way of remuneration for their labor.

The Act gives power, by its second section, to apply the proceeds of the Disputed Territory Fund to running the line; and it would probably be desirable that a fixed sum should be paid by way of such remuneration, and in addition, their reasonable expenses discharged. But I consider that your Lordship will be best able to estimate what is required for this purpose, and shall wish to be informed as speedily as may be of your opinion.

I have, &c.,

JOHN S. PAKINGTON.

The Earl of ELGIN, Canada.

(Copy.)—No. 62.

GOVERNMENT HOUSE,

Fredericton, N.B., October 18th, 1851.

My Lord,—I received the copy of your Lordship's Despatch of August 8th, 1851, addressed to His Excellency the Governor General, which was enclosed in the Despatch to myself of the same date, No. 282.

After conferring with my Council, I beg to propose to your Lordship, as a Commissioner for running the Boundary, on the part of New Brunswick, the Honorable Amos Edwin Botsford, a Member of Her Majesty's Legislative Council, and a person of whose ability and character I entertain a very favorable opinion.

I presume that Mr. Botsford will be remunerated for his services at the same rate as the Canadian Commissioner, and the amount of that remuneration he is quite willing to leave to your Lordship and Lord Elgin.

The money paid to both will of course be charged on the fund derived from the disputed territory.

I have, &c.,

EDMUND HEAD.

The Right Honorable Earl GREY.

No. 15.

COPY of a Dispatch from the Governor General to the Secretary of State for the Colonies, with a Copy of a Minute of the Executive Council.

(Copy.)—No. 47.

GOVERNMENT HOUSE,

Quebec, 4th June, 1852.

Sir,—With reference to your Despatch to me, No. 4, of the 12th of March, I have the honor to enclose herewith the Copy of a Minute of the Executive Council of this Province, recommending that two pounds, currency, per day, be allowed to each Commissioner whilst actually employed in the survey of the Boundary Line between Canada and New Brunswick, and his reasonable expenses.

I have, &c.,

ELGIN & KINCARDINE.

Right Honorable Sir JOHN PAKINGTON,
&c., &c., &c.

COPY of a Report of a Committee of the Honorable the Executive Council, dated 22nd May, 1852, approved by His Excellency the Governor General in Council, on the same day.

Upon the memorandum made by the Commissioner of Crown Lands, upon the probable expense of a survey of the Boundary Line between Canada and New Brunswick.

The Committee recommend that two pounds currency be allowed each Commissioner, per day, whilst actually employed on the survey, and their reasonable expenses. As a high class of Surveyors must be engaged in this service, the Committee recommend that the usual pay be increased to twenty shillings per diem, whilst actually employed on the survey, together with their reasonable expenses.

Certified.

WM. H. LEE,
Clerk, Executive Council.

No. 16.

COPY of a Despatch from the Secretary of State for the Colonies to the Governor General.

(Copy.—No. 50.)

DOWNING STREET, 21st July, 1852.

My Lord,—I have to acknowledge the receipt of Your Lordship's Despatches of the 4th June, No. 47, transmitting an extract from an approved report of a Committee of the Executive Council of Canada, on the subject of the remuneration which it would be proper to assign to the Commissioners appointed to run the Line of Boundary between Canada and New Brunswick.

I have no objection to offer to the rate of any pay proposed by your Executive Council, and having communicated with Lieutenant Governor Sir Edmund Head, he has signified his concurrence on the part of New Brunswick, in the arrangement of your Council. Sir Edmund Head has however suggested, that the allowance of £2 to the Commissioners, and £1 to the Surveyors, (in addition to reasonable expenses) should only apply to the number of days in the field, and include the report, unless an additional allowance be specially recommended by the two Governments; and, that if any person receiving a salary as a Public Officer, be appointed Commissioner or Surveyor, the salary be not paid in addition whilst he receives the allowance, unless the Provincial Government think fit to sanction it. These suggestions I content myself with mentioning to your Lordship, and request you to have the goodness to confer thereupon, and decide with the Lieutenant Governor on his return to New Brunswick.

I have to inform your Lordship that the Master General and Board of Ordnance have recommended the employment of Major Robinson as the third Commissioner; that that Officer will accordingly be appointed; and that it will devolve upon

your Lordship, in concert with the Lieutenant Governor of New Brunswick, to furnish him with instructions, and apprise him when his services will be required. I have to add that Major Robinson is at present Commanding Engineer at Newfoundland.

Your Lordship will understand that Major Robinson will receive from Provincial funds such addition to his military pay as is usually allowed to Officers in Her Majesty's service when engaged on extra duty.

I have, &c.,

(Signed,) JOHN S. PAKINGTON.

The Earl of ELGIN and KINCARDINE,
&c., &c., &c.

No. 17.

COPY of a Despatch from the Governor General to the Secretary of State for the Colonies, with several Documents transmitted with the same.

(Copy.—No. 100.)

GOVERNMENT HOUSE,
Quebec, 20th October, 1852.

Sir,—I have the honor to enclose herewith the Copy of a Despatch which I lately addressed to the Lieutenant Governor of New Brunswick, 4th October, 1852. covering the Copy of a Correspondence which has passed between the Provincial Secretary of this Government and Major Robinson, the Commissioner appointed by you to run the Boundary between this Province and New Brunswick, with the Copy of the Lieutenant Governor's 12th October, 1852. reply.

Sir Edmund Head is of opinion, as you will observe, that a formal appointment by the Secretary of State is requisite to enable the Commissioners to discharge their duties, under the 14 and 15 Vic. cap. 63. If this view be correct, I venture to submit that it is expedient that they should receive such appointment as soon as possible, in order that they may commence operations without unnecessary delay.

I have, &c.,

ELGIN & KINCARDINE.

The Right Honorable Sir JOHN PAKINGTON,
&c., &c., &c.

(Copy.)

GOVERNMENT HOUSE, FREDERICTON, N. B.,
6th December, 1852.

My Lord,—I have the honor to acknowledge Your Lordship's Despatch of the 29th ultimo, with its enclosures.

I have perused the letter addressed to Major Robinson, and shall forward it without delay, as I have no further communication to make to Your Lordship on the subject.

I have, &c.,

(Signed,) EDMUND HEAD.

His Excellency the Governor General,
&c., &c., &c.

(Copy.)

GOVERNMENT HOUSE,
Quebec, October 4th, 1852.

Sir,—I have the honor to transmit herewith, for Your Excellency's information, the Copy of a letter which has been addressed to the Honorable Mr. Morin, Provincial Secretary, by Major Robinson, in reference to his appointment as third Commissioner, for defining and marking the Boundary Line between the Provinces of Canada and New Brunswick.

In order to avoid delay, I enclose, under a flying seal, the reply which has been written by my direction, to this communication, and I shall feel obliged if you will forward it to its destination, in the event of your having no objection to make to the instructions conveyed in it. In any case, I shall be glad to hear from you on the subject, in order that I may give the necessary directions to Mr. Bouchette, the Commissioner named on behalf of the Government.

I have, &c.,

(Signed,) ELGIN & KINCARDINE.

His Excellency Sir EDMUND HEAD, Baronet,
&c., &c., &c.
Fredericton, N.B.

SECRETARY'S OFFICE,
Quebec, 2nd October, 1852.

Sir,—I have the honor to acknowledge the receipt of your letter of the 7th ultimo, acquainting the Governor General of your appointment, by the Secretary of State for the Colonies, as third Commissioner under the Act of Parliament, 14 & 15 Vic. cap. 63, for defining and marking the Boundary Line between the Provinces of Canada and New Brunswick; and that you had received the orders of the Master General and Board of Ordnance to await the instructions of His Excellency and the Lieutenant Governor of New Brunswick for your guidance, who would apprise you when your services would be required.

I am, in reply, commanded by His Excellency to state, that inasmuch as it is highly desirable and expedient that the Line of Boundary prescribed by the Act of Parliament, should now be, as soon as convenient, defined and marked out in the field. I am to apprise you, for your guidance, of the Governor General's desire that the Commissioners appointed under the 1st clause of the said Act, namely, the Honorable Mr. Botsford, for New Brunswick, and Joseph Bouchette, Esquire, for Canada, and yourself, third Commissioner, as announced to His Ex-

cellency, in the despatch of the Principal Secretary of State for the Colonies, dated 12th March last, do meet and assemble at Woodstock, New Brunswick, on the first of November next, to determine upon all the necessary measures to be adopted for carrying effectually into operation the service prescribed in the Imperial Act.

I have the honor to be, Sir,
Your most obedient Servant,

(Signed,) A. N. MORIN,
Secretary.

Major ROBINSON, R.E.,
&c., &c., &c.,
Newfoundland.

GOVERNMENT HOUSE,
Fredericton, October 12th, 1852.

My Lord,—I have the honor to acknowledge Your Despatch of the 4th instant, with its enclosures. The letter of the Secretary to Major Robinson I have forwarded with a letter of my own, stating that I see no objections to the directions therein contained, although I think that nothing but preliminary arrangements can be made by the Commissioners until a formal appointment of them shall have been made by the Secretary of State.

I intimated my opinion that this was necessary, in a Despatch to Sir John Pakington, written after my return, and dated 14th September last, a Copy of which is enclosed.

Your Lordship will observe, that Earl Grey, in his Despatch to you of the 8th of August, 1851, does not even directly convey any authority to appoint a Commissioner on the part of Canada or New Brunswick, although he says he “poses” to do so. At any rate, I read the Despatch in this way, both as regards Your Lordship and myself; and, accordingly, on the 18th October, 1851, I wrote to Earl Grey, recommending the Honorable Amos Edwin Botsford, as the Commissioner on the part of New Brunswick. My words were—“I beg to propose to Your Lordship, as a Commissioner,” &c., implying that I expected the formal appointment to be made by the Secretary of State. Indeed, it appears to me very questionable, whether the Secretary of State, under section 1 of 14 & 15 Vic. cap. 63, can legally delegate to Your Excellency, or to me, the power of appointment vested in him by that statute.

On Major Robinson’s applying to the Provincial Secretary here a short time ago for some instructions, I desired that he might be furnished with a Copy of the Despatch of September 14th, as shewing my view of the present state of things. I regret now that when such Despatch was written, I did not furnish Your Excellency with a Copy; but I concluded, from the lateness of the season, that it was not intended to take any action this year.

It is evident, however, that some preliminaries will have to be arranged by the Commissioners; and there can be no objection to their meeting at Woodstock on or about the 1st of November.

Since the acts of these Commissioners will be conclusive, as regards the two Provinces, it is clear that every care should be taken to have their appointments substantially and formally correct, before anything is finally done by them. Disputes might arise hereafter if they acted with insufficient powers, and the legal force of their decisions, in pursuance of 13 and 14 Vic. cap. 63, might be open to cavil

and controversy on any doubtful point affecting the future interests of the two Provinces.

I have, &c.,

(Signed,) EDMUND HEAD.

His Excellency the
Earl of ELGIN and KINCARDINE, K.T.,
&c., &c., &c.

(Copy.)—No. 29.

GOVERNMENT HOUSE,
Fredericton, September 14th, 1852.

Sir,—With reference to your Despatch of the 26th of July, 1852, addressed to myself whilst in London, with its enclosures, I would beg to observe that no formal appointment of the Commissioners to run the Boundary between this Province and Canada has yet been made, in pursuance of the power given to Her Majesty's Secretary of State by the Imperial Act 14 and 15 Vic. cap. 63, sec. 1.

Earl Grey, in his Despatch of August 8th, 1851, addressed to His Excellency the Governor General, said, "The power given me by the first section, I propose to exercise by authorizing yourself, with the advice of your Council, to nominate a Commissioner, and giving a similar authority to Sir E. Head on the part of New Brunswick."

I conceived, however, that under the Act referred to above, the appointment of these Commissioners must be formally made by the Secretary of State, and accordingly all I have done was by my despatch of October 18th, 1851 (No. 62), to suggest to Lord Grey the appointment of the Honorable Amos Edwin Botsford on the part of this Province.

It is obviously too late for the Commissioners to commence work this season, especially as the Engineer Officer, who is to be the third, is not in this country at present.

I would, therefore, call attention to the necessity of formally appointing the Commissioners before next spring, in order that no time may be lost in the ensuing summer of 1853.

I have, &c.,

(Signed,) EDMUND HEAD.

Right Honorable Sir JOHN PAKINGTON,
&c., &c., &c.

No. 18.

(No. 88.)

DOWNING STREET,
26th November, 1852.

My Lord,—I have the honor to acknowledge the receipt of Your Lordship's Despatch, No. 100, of 20th October, enclosing copies of a correspondence with the Lieutenant Governor of New Brunswick, relative to the appointment of the Commissioners for running the Boundary Line between that Province and Canada.

I concur with Sir Edmund Head, that a formal appointment, by the Secretary of State, is necessary under the Act 14 & 15 Vic. cap. 63, and I accordingly transmit the accompanying appointments, one to be delivered to Mr. Bouchette, one to be forwarded to Major Robinson, at Newfoundland, and the other to be retained by Your Lordship, in the case of any accident occurring.

I have forwarded a similar appointment to the Lieutenant Governor of New Brunswick, for the appointment of Mr. Botsford.

I have, &c.,

JOHN S. PAKINGTON.

The Earl of ELGIN,
&c., &c., &c.

(Copy.)

Under the authority given me as one of Her Majesty's Principal Secretaries of State, by an Act of the 14th and 15th year of the reign of Her Majesty, entitled, "An Act for the settlement of the Boundaries between the Provinces of Canada and New Brunswick," I hereby appoint Major William Robinson, R.E., Joseph Bouchette, Esquire, and Amos Edwin Botsford, Esquire, to ascertain, define, and mark the Boundary Line between New Brunswick and Canada, according to the intent of the award mentioned in the said Act.

(Signed,) JOHN S. PAKINGTON. [Seal.]

DOWNING STREET,
2nd August, 1852.

GOVERNMENT HOUSE, FREDERICTON, N. B.,
July 15th, 1852.

My Lord,—I have the honor to acknowledge, with thanks, Your Excellency's Despatch, of the 30th of April, addressed to Sir Edmund Head, enclosing a statement of licenses granted, and monies received, for timber cut on the disputed territory north of the River St. John.

I now transmit, for Your Lordship's information, an account of the disputed territory fund, so far as regards this Province, and also an extract from the minutes of the Executive Council of New Brunswick, on this subject.

I would request Your Lordship's attention to the statement made therein, that £2,694 5s. 0d. of the balance in favor of the fund arise from bonds now in suit; this Province not holding itself accountable for such amount, except from time to time, as it may be received; and, further, that the whole balance is subject to any undoubted claims from individuals who may have paid any part of the amount while holding licenses from the Canadian Government, and to any legal expenses which may be incurred in enforcing payment of the said bonds now in suit.

I have, &c.,

FREEMAN MURRAY,
Lieut. Colonel 72nd Highlanders,
Administaring the Government.

His Excellency the GOVERNOR GENERAL,
&c., &c., &c.

(Copy.)

IN COUNCIL,

8th July, 1852.

Read, an account prepared by the Provincial Secretary shewing the state of the Disputed Territory Fund with Canada, so far as regards the receipts and expenditure in this Province from the 1st of April, 1844, to the 1st of April, 1852, shewing a balance at that date in favor of the Fund in cash and bonds of £7,448 0s. 4d., currency.

Ordered,—That it be received and approved of, and that His Honor the Administrator of the Government be respectfully requested to transmit the same to His Lordship the Governor General, bringing under His Lordship's notice that £2,694 5s. 0d. of the amount arise from bonds now in suit—this Province not holding itself accountable for such amount, except from time to time as it may be received ;

And further, that the whole of the above balance is subject to any undoubted claims from individuals who may have paid any part of the said amount, while holding licenses from the Canadian Government, and to any legal expenses which may be incurred in enforcing payment of the said Bonds now in suit.

Extract from the minutes.

(Signed,) JOHN C. ALLAN,
Clerk Executive Council.

STATEMENT of Monies and Obligations received by the Province of New Brunswick, for Fines imposed on Timber and Lumber cut on what was termed the Disputed Territory between Canada and New Brunswick; also, the Charges incurred and paid by New Brunswick to protect the Queen's Rights, as well as other Sums paid, properly chargeable to this Fund, between 1st April, 1844, and same period 1852.

R E C E I P T S .			C u r r e n c y .		
	£	s.	d.		
Paid over to the Receiver General by Jacob Allan, Esquire, Seizing Officer and Looker after trespassers on the Disputed Territory in 1844-45-46, for collections made of Fines imposed by the Government	8481	13	0		
Paid over to the same Officer by Jacob Allan, Esquire, and to the Province Treasurer, Fines collected in 1847, 1848, 1849, 1850, and 1851.....	1832	15	10		
Bonds with Securities taken by Jacob Allan Esquire, by the authority of the Government, from various parties, for Duties imposed on Timber and Lumber in 1847 and 1848, which Bonds are now in the hands of the Attorney General and are in suit.....	2694	5	0		
Total Currency.....£	12458	18	10		
C H A R G E S .			£	s.	d.
Jacob Allan, Seizing Officer, for eight years' services, at £250, from 1st April, 1844, to 1852.....	2000	0	0		
Clerk and Boat Hire, together with other Office Contingencies, same period.....	748	17	4		
Carried forward.....£	2748	17	4	12458	18 10

STATEMENT of Monies and Obligations received by the Province of New Brunswick, &c.—(Continued.)

CHARGES.	—			Currency.		
	£	s.	d.	£	s.	d.
<i>Brought forward</i>	2743	17	4	12458	13	10
Rainsford and Maclauchlan, in 1844, looking after trespassers.	110	0	0			
Allan and Rainsford, looking after trespassers in 1845	70	0	0			
Maclauchlan and Rainsford, balance of services	104	14	4			
L. & H. B. Rainsford, same services 1846.....	91	17	6			
Tibbits and Picard, Money for Duties refunded in 1847, deposited with Jacob Allan, Esquire, to abide a Suit at Law	914	3	4			
Jacob Allan, to refund costs in action thus brought	139	14	10			
do, Additional costs, same suit	37	18	0			
Solicitor General, do	5	9	1			
Rainsford, Canoe destroyed during Inspection....	2	0	0			
L. R. Coombes, Inspecting Territory, 1847	49	2	9			
Expenses of His Excellency the Lieutenant Governor, visiting Canada on conference regarding Disputed Territory....	100	0	0			
do Honorable L. A. Wilmot, same service.....	75	0	0			
W. A. McLean, Inspecting Territory, 1850	30	0	0			
Payment of London Arbitrators £400 sterling, remitted by New Brunswick, at 10½ premium.....	493	6	8			
William A. Maclauchlan, Inspecting Territory, 1851	48	9	8			
				5010	13	6
Balance in favor of Fund.....			£	7448	0	4
Of which there are Bonds in Suit	2694	5	0			
And in Cash.....	4753	15	4			
				7448	0	4

SECRETARY'S OFFICE,
Fredricton, 18th June, 1852.

J. R. PACTILAW,
Provincial Secretary.

No. 20.

GOVERNMENT HOUSE,

Quebec, 30th April, 1852.

Sir,—With reference to Your Excellency's Despatch to me of the 22nd ultimo, I have the honor to enclose herewith a statement of Licenses granted and Moneys received for Timber cut on the disputed territory North of the River St. John, with a Map to elucidate the same.

I have, &c.,

(Signed,) ELGIN & KINCARDINE.

Sir EDMUND HEAD, Baronet,
&c., &c., &c.,

STATEMENT of Licenses granted, and Monies received, for Timber cut on the Disputed Territory, North of the River St. John and West of the Mada-waska, by the Crown Land Department, furnished the Honorable Provincial Secretary, for the information of the Honorable the Legislative Assembly.

NAMES OF PERSONS TO WHOM LICENSES WERE GRANTED.	Number of Berths, as projected on the Map.	Quantities agreed for in Tons.	Total Amount of Duty thereon.			Deposits on obtaining Licenses.			Subse- quent Payments thereon.			Total Amount received.		
			£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.
For the season of 1842-3														
Barker & Glasier	Berths not defined.	2500	208	6	8	52	1	8	156	5	0	208	6	8
James Tibbits		2700	225	0	0	56	5	0	168	15	0	225	0	0
Total for the season ended 1843		5200	433	6	8	108	6	8	325	0	0	433	6	8
For the season of 1843-4														
James Tibbits	1, 4, 8, 10½, & 13.	7500	1041	13	4	260	8	4	.....	.....	.....	260	8	4
	14, 16, 23½ & 24.	3000												
	Black River.....	2000												
Allan Gilmour & Co..	2, 3, 4, 5, 6, & 7.	5500	1270	16	8	317	14	2	.....	.....	.....	317	14	2
	9, 10, 15, 17, & 19.	4750												
	20, 23, & 24½ .....	.....											
	83, 34, & 35	5000												
Charles Connell.....	1½, on the forks of the Toledo River extending up- wards	1500												
John Emmerson	3½	1000	125	0	0	31	5	0	.....	.....	.....	31	5	0
John Glasier	16½	300	83	6	8	20	16	8	.....	.....	.....	20	16	8
Glasier & Veazie	9½, 11, 12, & 18.	9500	25	0	0	6	5	0	.....	.....	.....	6	5	0
C. S. Clark	2, 4, 5.....	4500	791	13	4	197	18	4	.....	.....	.....	197	18	4
Thomas Jones	Squittack Lake & Toledo River ..	1500	375	0	0	93	15	0	.....	.....	.....	93	15	0
John Veazie	21, 22, & 25	5500	125	0	0	31	5	0	.....	.....	.....	31	5	0
			458	6	8	114	11	8	.....	.....	.....	114	11	8
Total for the season ended 1844		51550	4295	16	8	1073	19	2	.....	.....	.....	1073	19	2
For the season of 1845-6														
Thomas Jones	12, 20, & 21.....	2000	166	13	4	41	13	4	.....	.....	.....	41	13	4
James Tibbits	19, 23, 23½, & 22.	2000	1125	0	0	281	5	0	500	0	0	781	5	0
	1, 3, 4, 5 & 8...	5000												
	Big Black River ..	5000												
	North Branch....	1500												
Carried forward ..		£	1291	13	4	322	18	4	500	0	0	822	18	4

STATEMENT of Licenses granted, and Monies received, for Timber cut on the Disputed Territory North of the River St. John, &c.—(Continued.)

NAMES OF PERSONS TO WHOM LICENSES WERE GRANTED.	Number of Berths as projected on the Map.	Quantities agreed for in Tons.	Total Amount of Duty thereon.	Deposits on obtaining Licenses.	Subse- quent Payments thereon.	Total Amount received.
			£ s. d.	£ s. d.	£ s. d.	£ s. d.
For the season of 1845-6. —(Continued.) <i>Brought forward</i>			1291 13 4	822 18 4	500 0 0	822 18 4
Benjamin Beveridge	13, 17, & 18	1500	123 0 0	31 5 0	.....	31 5 0
John Glasier	Little Black River.	1500				
	14 & 15	2000				
	9½ & 10½	2000				
	11	500				
James Tibbits	6 & 17	1000	500 0 0	125 0 0	.....	125 0 0
W. J. Bedell & Co.	16 & 16½	1000	83 6 8	20 16 8	.....	20 16 8
			83 6 8	20 16 8	.....	20 16 8
Total for the season ended 1846		25000	2083 6 8	520 16 8	500 0 0	1020 16 8
For the Season of 1846-7						
James Tibbits	Berths the same as the prece- ding year....	4050	337 10 0	84 7 6	.....	84 7 6
W. J. Bedell		1000	83 6 8	20 16 8	.....	20 16 8
John Glasier		3500	291 13 4	72 18 4	.....	72 18 4
Benjamin Beveridge ..		500	41 13 4	10 8 6	.....	10 8 6
James Tibbits		8000	666 13 4	166 13 4	.....	166 13 4
Thomas Jones		1000	83 6 8	20 16 8	.....	20 16 8
Total for the season ended 1847		18050	1504 3 4	376 1 0	.....	376 1 0

RECAPITULATION.

		£ s. d.	£ s. d.	£ s. d.	£ s. d.
Total for season ended 1843	5200	433 6 8	108 6 8	325 0 0	433 6 8
Total for do 1844	51550	4295 16 8	1073 19 2	.....	1073 19 2
Total for do 1846	25000	2083 6 8	520 16 8	500 0 0	1020 16 8
Total for do 1847	18050	1504 3 4	376 1 0	.....	376 1 0
	99800	8316 13 4	2079 3 6	825 0 0	2904 3 6
Less.—Amount of Gilmour & Co.'s deposits returned to them per Order in Council, 22nd February, 1846					317 14 2
Total Timber Dues received from Disputed Territory				£	2586 9 4

CROWN LAND DEPARTMENT,
WOODS AND FOREST BRANCH,
Toronto 2nd May, 1856.

JOSEPH CAUCHON,
Commissioner.

No. 21.

(Copy.)

GOVERNMENT HOUSE,

Fredericton, N.B., March 22nd, 1852.

My Lord,—I had the honor of receiving your Lordship's Despatch of February 28th, with its enclosure, relating to the Islands in the River Ristigouche. Your Lordship may rest assured of my anxiety to do justice to the equitable rights of any persons who have *bonâ fide* occupied or improved lands in that district; and I have caused a Bill to be introduced for the purpose of enabling my Government to effect this object with greater certainty.

I must take this opportunity of troubling Your Excellency with a few observations on the subject of the Disputed Territory Fund.

Certain claims have been made on the portion of this fund in the hands of the Government of New Brunswick, upon the grounds that parties are entitled to receive back again Moneys paid on account of Timber seized in this Province, but cut under a License from the Canadian Government, on territory ultimately assigned to Canada by the Arbitration and by the Imperial Act 14 and 15 Vic. cap. 63. It is assumed in these claims that the possession of the territory under this Statute is a test of the right to deal with such territory at the time the Timber was cut.

Now, my Lord, several questions of difficulty present themselves in connection with such claims.

I need scarcely say, in the first place, that, as the balance of the fund in question is disposed of by an Act of the Imperial Parliament, with the consent, and for the advantage of the two Provinces, there is imposed upon both Provincial Governments a duty of watching narrowly any claims tending to diminish this balance.

In the next place, looking to the views expressed, and the reasons given by the two Arbitrators who signed the award, it by no means follows, because a particular portion of the territory in question has now, by the Act of Parliament, been assigned to Canada or New Brunswick (as the case may be) that such particular portion of territory belonged to either Province at the time that the Timber was cut upon it.

See especially p. p. 36,
74, 75, 76, of Parliamentary Paper.

Dr. Twiss, the Arbitrator on behalf of New Brunswick, expressly says, :—"On examining the Maps which have been submitted for the inspection and information of the Arbitrators, it appears that the result of the Treaty of Washington has been that a very considerable district, lying between the frontiers of the United States, on the one hand, and the legal boundaries of the two Provinces of Canada and New Brunswick on the other, is a possession of the British Crown, and remains as yet unassigned to any Provincial Government."

Mr. Falconer, indeed, on the part of Canada, combatted this view; but, on the other hand, its correctness is, in fact, implied by the settlement of a conventional line, and by Dr. Lushington's approbation of the Report of the former Commission, and the nature of his general argument.

It is possible that, in ignorance of such intermediate territory, both Governments may have formerly held language inconsistent with its existence, but they would appear to have done so under what I must now assume to have been an unavoidable misapprehension of the facts. At any rate, territory assigned to either Province by the late Act, must now be deemed *primâ facie* to be held under that Act, and not by virtue of any right antecedent to its passing. The line was a conventional one; the settlement a compromise.

It may be asked, then, "Would it not follow that the proceeds of Timber cut on territory belonging to the Crown of England, but not at the time belonging to New Brunswick as of right, must be accounted for by New Brunswick to the Crown of England?" This I fully admit; but then the Crown of England, by assenting to the Act 14 and 15 Vic. cap. 63, has, in fact, waived its rights and disposed of the proceeds in question in the manner agreed on by your Lordship and myself. The money, like the territory, is now held by either Province in virtue of the Act above, and must be dealt with according to its provisions.

It seems to me therefore, My Lord, that individuals seeking the return of monies, on grounds such as I have described, should begin by shewing clearly and distinctly that the right to grant the license under which they acted was inherent in the Government granting it at the time the timber was cut. I certainly know no means by which this could be proved, unless the Arbitrators had decided judicially the strict rights of both Provinces, instead of determining a conventional line as they have done.

I have explained my views of this matter at some length, because it is right your Lordship should understand the position which the Government of New Brunswick may have to assume with reference to individual claimants; and I have moreover to observe, that among certain papers printed in 1844, by order of the House of Assembly of New Brunswick, I find a letter signed "J. Bouthillier," addressed to "J. M. Higginson, Esquire, Civil Secretary," dated Kingston, February 1, 1844, in which it is stated, that timber berths have been granted to certain persons on terms, one of which is, "an express condition that in case of difficulty they would comply with whatever might be required of them by the New Brunswick authorities, in the passage of timber down the River St. John;" a paper signed by eight grantees containing this stipulation is subsequently given at full length, it is dated "Department of Crown Lands, Kingston, 31st January, 1844."

It would seem, therefore, that a part of the consideration very prudently exacted by Canada from these parties, in exchange for the "Timber Berths," was a promised submission to the demands of the Provincial Government of New Brunswick, whatever they might be. The net balance of the Fund, to which the proceeds of this timber were carried, is now to be applied under the Act of Parliament for the joint benefit, and with the joint consent of the two Provinces, and it would seem that parties who accepted licenses or "berths" from one of these, on this express condition, must be stopped from claiming back moneys, to the payment of which (if required) they had, in fact, originally agreed to submit. I have no means of knowing whether similar conditions were imposed by the Canadian Government on all applicants for such licenses. I have throughout this Despatch assumed that no person can have any "*locus standi*" for claiming money to be returned, unless he profess to shew that he was possessed of a colorable title under a license of some sort from a lawful Government.

Both Provinces being interested in the due application of the balance of the Fund in question, I venture to ask Your Lordship to direct the Crown Lands' Department in Canada to furnish me with a list of licenses or timber berths, granted on the Upper St. John and its neighbourhood, between (say) 1840 and 1851, distinguishing the individuals to whom granted, and the different localities, and marking those (if any) in which the stipulation, inserted in the agreement of January 31, 1844, with reference to the St. John, was omitted.

I venture, also, to direct Your Lordship's attention to the passage in my letter of August 26th, 1851, in which I suggested the expediency of exchanging an account of the funds derived from the "disputed territory" in the hands of either Governments at the present time. I presume that a separate fund of this des-

cription exists in Canada, as it does here: indeed its existence is almost implied by the terms of the Minutes of Your Lordship's Council of September 30, 1850, (sec. 8,) and by the Act of Parliament.

I have, &c.,

(Signed,) EDMUND HEAD.

His Excellency the Governor General.

No. 22.

GOVERNMENT HOUSE,

QUEBEC, 28th February, 1852.

Sir,—A communication has been received by this Government from James Sellars, Esquire, J.P. for the County of Gaspé, in which that gentleman protests against the late settlement of the Boundary between Canada and New Brunswick, on the plea that certain interests in the Islands and Fisheries of the River Ristigouche, heretofore enjoyed by Canadian subjects of Her Majesty, are likely to be compromised by the surrender to New Brunswick of the Islands and Channel of that River. I have the honor to enclose herewith for Your Excellency's information a copy of the reply which has been written to Mr. Sellars by my direction, and have only to add the expression of my confidence that the equitable claims of the individuals in question will receive all proper consideration from the Government of New Brunswick.

Mr. Morin,
16th February, 1852.

I have, &c.,

(Signed,) ELGIN & KINCARDINE.

Sir E. HEAD, Baronet,
&c., &c., &c.

SECRETARY'S OFFICE,

Quebec, 16th February, 1852.

Sir,—In answer to your letter of the 8th January last, I have been directed by His Excellency the Governor General to mention to you, that by the Act lately passed in the Imperial Parliament, for defining the boundary between both Provinces, the Islands in the River Ristigouche are given to New Brunswick, and that the hardships of which you complain are beyond the control of the Government of Canada.

His Excellency understands that the settlers on the Canada side, not having any titles under which they can legally claim, are, however, in possession of certain parts of these Islands and of fisheries, and have made improvements, of all which they are afraid to be dispossessed under authority from New Brunswick.

According to the equitable practice followed by the Government of this Province, such persons being *bonâ fide* possessors or improvers, when there is no adverse claims deserving more consideration, are usually preferred for obtaining a regular grant or lease on proper application. His Excellency believing that

the same benevolent views obtained in the sister Colony, and also that as regards the heretofore disputed territory, they would be applied with impartiality towards the inhabitants of both Provinces, is pleased to inform you that he will take the first opportunity to communicate on the subject with the Lieutenant Governor of New Brunswick. It will be for parties interested to make their claims known to the authorities there, and conform to the requirements and conditions established.

I have, &c.,

(Signed,) A. N. MORIN,
Secretary.

JAMES SELLARS, Esquire, J.P.,
Ristigouche, Gaspé.

No. 23.

GOVERNMENT HOUSE,

Toronto, 13th October, 1851.

Sir,—With reference to Your Excellency's Despatch of the 26th August, on the subject of the appointment of Commissioners on the part of Canada and New Brunswick, to co-operate with the Commissioner to be appointed by Earl Grey in drawing the Boundary Line between the Provinces, I have the honor to state, that it is my intention to appoint Mr. Bouchette, of the Crown Lands Department, to be the Commissioner for Canada. Mr. Bouchette is an Officer in the enjoyment of a salary, and under existing circumstances I have some difficulty in fixing the amount of remuneration which ought to be allowed him for this special service. Should Your Excellency, however, desire to come to a speedy decision on this point, I am very sure that this Government will be disposed to acquiesce in any rate of remuneration for the Commissioners which you may consider reasonable.

I beg leave to acknowledge receipt of the Bill for £200, sterling, in favor of the Receiver General of this Province, transmitted by Your Excellency.

I have, &c.,

(Signed,) ELGIN & KINCARDINE.

His Excellency
Sir EDMUND HEAD, Baronet,
&c., &c., &c.,

No. 24.

(Copy.)

GOVERNMENT HOUSE,

Fredricton, N. B., August 26th, 1851.

My Lord,—In compliance with the request conveyed in Your Excellency's letter of August 13th, I enclose a Bill, payable to the Honorable E. P. Taché, for £200 sterling, on account of the payment to Thomas Falconer, Esquire.

As there must be funds, arising from this Disputed Territory, in the hands of Canada, as well as in those of New Brunswick, perhaps it would be well that the Government of either Province should deliver to that of the other, an account of all monies so received for land or timber.

I shall be quite ready to act upon the proposition for the nomination of Commissioners made in Earl Grey's Despatch of August 8th, 1851, No. 633, addressed to your Lordship.

I would suggest that your Lordship should name the rate of payment which appears proper for the two Provincial Commissioners, in order that I may consult my Council as to the appointment. It is manifestly desirable that they should be remunerated at the same rate.

I have, &c.,

(Signed,) EDMUND HEAD.

His Excellency
The Governor General,
&c. &c. &c.

No. 25.

GOVERNMENT HOUSE,

Toronto, 13th August, 1851.

Sir,—With reference to the proceedings which have recently been taken for the settlement of the question of Disputed Boundary between Canada and New Brunswick, I have the honor to enclose herewith, for Your Excellency's information, the Copy of a Minute of the Executive Council of this Province. In accordance with the terms of that Minute, I have remitted £200, sterling, to Mr. Falconer, and I am to request that you will cause that sum to be refunded to this Government from the fund chargeable with the expense of the Arbitration.

I have, &c.,

(Signed,) ELGIN & KINCARDINE.

His Excellency
Sir EDMUND HEAD, Baronet,
&c., &c., &c.

COPY of a Report of a Committee of the Honorable the Executive Council, dated 8th August, 1851, approved by His Excellency the Governor General in Council on the same day.

On the Despatch of Earl Grey to His Excellency the Governor General, dated the 14th July, stating that His Lordship had fixed the payment to be made to Doctor Twiss and Mr. Falconer at £200, sterling, and requesting that the amount should be remitted to His Lordship.

The Committee of Council recommend that the Receiver General be authorized to draw on Messrs. Glyn & Co. a Bill of Exchange for Two hundred pounds, sterling, to be remitted to Earl Grey to enable His Lordship to pay the like sum to Mr. Falconer. And the Committee recommend that an application should be made to the Lieutenant Governor of New Brunswick for the payment of that sum out of the Fund arising from the disputed territory, and which Fund was, under the agreement between Canada and New Brunswick, to be chargeable with the expenses of the Arbitrator.

Certified.

WM. H. LEE.

